

NO. 53

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2020

WEDNESDAY, SEPTEMBER 23, 2020

Wednesday, September 23, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 10:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Genesis 2:2a

“And on the seventh day God finished the work that he had done, and he rested...”

Let us pray. Gracious Lord, as we reflect on the many accomplishments of our Senators this year, we remember the difficulty in which they had to labor in the midst of a pandemic.

We are thankful for their good health and for their unwavering commitment to the many committee meetings and budget decisions that have rested on their shoulders. Equally, we do thank You for staff, family and business associates who have supported them in their work through such an unexpected schedule.

Soon grant these leaders a measure of rest and renewal, for they most assuredly deserve it. By Your grace encourage them and strengthen them in the days ahead with Your peace and Your blessing. In Your holy name we pray, Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 10:06 A.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Local Appointments

Initial Appointment, Calhoun County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Cassandra Keller, 165 Blair Road, St. Matthews, SC 29135-8539

WEDNESDAY, SEPTEMBER 23, 2020

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Peter Brandt Shelbourne, 116 South Oak Street, Summerville, SC 29483

Initial Appointment, Dorchester County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Janice Simmons, 262 Mallard Road, Summerville, SC 29483-7937

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Jacquelyn G. Jenkins, 1819 Community Dr., Reevesville, SC 29471

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Tera S. Richardson, 214 Eagle Ridge Road, Summerville, SC 29485-8480

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Victor G. Stephens, 205 Bryant Street, St. George, SC 29477-2364

Initial Appointment, Orangeburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Valerie Lawrence, 108 Ty Drive, Eutawville, SC 29048-8973 *VICE* Jacob Gillens, Sr.

Initial Appointment, Dorchester County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Michael Murphy, 129 Royal Troon Court, Summerville, SC 29483-5137

Leave of Absence

At 10:07 A.M., Senator GROOMS requested a leave of absence for Senator VERDIN for the day.

Leave of Absence

At 10:07 A.M., Senator HEMBREE requested a leave of absence for Senator BENNETT for the day.

WEDNESDAY, SEPTEMBER 23, 2020

Leave of Absence

At 10:13 A.M., Senator TURNER requested a leave of absence for Senator SHEALY for the day.

Leave of Absence

At 10:13 A.M., Senator TURNER requested a leave of absence for Senator TALLEY until 10:40 A.M.

Leave of Absence

At 11:01 A.M., Senator FANNING requested a leave of absence for Senator McLEOD until 10:40 A.M.

Leave of Absence

At 11:18 A.M., Senator M.B. MATTHEWS requested a leave of absence for Senator KIMPSON for the day.

Leave of Absence

At 3:10 P.M., Senator MALLOY requested a leave of absence for Senator MARTIN for the balance of the day.

Leave of Absence

At 3:56 P.M., Senator YOUNG requested a leave of absence for Senator TALLEY for the balance of the day.

Leave of Absence

At 7:20 P.M., Senator WILLIAMS requested a leave of absence for Senators SCOTT and J. MATTHEWS for the balance of the day.

Leave of Absence

At 7:20 P.M., Senator FANNING requested a leave of absence for Senator McLEOD for the balance of the day.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bill:
S. 1259 Sens. Campsen and Young

OBJECTION

H. 3199 -- Reps. Govan, Clyburn, Gilliard and Garvin: A BILL TO AMEND SECTION 59-29-410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSTRUCTIONAL TOPICS REQUIRED IN HIGH SCHOOL FINANCIAL LITERACY

WEDNESDAY, SEPTEMBER 23, 2020

PROGRAMS, SO AS TO ALSO REQUIRE INSTRUCTION ON THE TOPICS OF COLLEGE AND EDUCATION LOANS, KEY LOAN TERMS, MONTHLY PAYMENT OBLIGATIONS, REPAYMENT OPTIONS, CREDIT, AND EDUCATION LOAN DEBT.

Senator HEMBREE asked unanimous consent to make a motion to recall the Bill from the Committee on Education.

Senator MALLOY objected.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate agreed to go into Executive Session.

RECALLED, AMENDED, READ THE SECOND TIME

H. 3780 -- Reps. White, Hixon, Taylor, Cobb-Hunter, Funderburk, Anderson, Hewitt, R. Williams, Davis, Brown, Weeks, Rivers, S. Williams and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 7, TITLE 59 SO AS TO CREATE THE "GROWING RURAL ECONOMIES WITH ACCESS TO TECHNOLOGY (GREAT) PROGRAM", TO FACILITATE THE DEPLOYMENT OF BROADBAND TO UNSERVED AREAS OF THE STATE, TO PROVIDE DEFINITIONS, TO ESTABLISH THE GROWING RURAL ECONOMIES WITH ACCESS TO TECHNOLOGY FUND, TO PROVIDE THAT ANY PROPERTY OWNED BY A MUNICIPALITY MAY BE LEASED OR RENTED IN CERTAIN SITUATIONS, TO PROVIDE THAT A MUNICIPALITY-OWNED UTILITY MAY BE LEASED, TO PROVIDE THAT A MUNICIPALITY IS AUTHORIZED TO SELL OR LEASE ANY PUBLIC ENTERPRISE THAT IT OWNS, TO PROVIDE THAT THE STATE SHALL ALLOW COLLOCATION, INSTALLATION, AND OPERATION OF CERTAIN EQUIPMENT BY A BROADBAND PROVIDER ON ANY EXISTING STRUCTURES, AND TO PROVIDE FOR A MONTHLY 911 SERVICE CHARGE; AND TO DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 7, TITLE 59 AS "ARTICLE 1, GENERAL PROVISIONS".

Senator RANKIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration today.

WEDNESDAY, SEPTEMBER 23, 2020

Senator RANKIN asked unanimous consent to make a motion to take the Bill up for immediate consideration.

There was no objection.

Amendment No. 1

Senators RANKIN, LEATHERMAN, SCOTT, SETZLER, MALLOY, ALEXANDER, SHEHEEN, DAVIS, GAMBRELL, MATTHEWS, HUTTO, CLIMER, HEMBREE, HARPOOTLIAN, SABB, JACKSON, NICHOLS, BRIGHT-MATTHEWS, WILLIAMS, JOHNSON, ALLEN, GOLDFINCH, GROOMS and FANNING proposed the following amendment (JUD3780.002), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting therein the following:

/ SECTION 1. Chapter 9, Title 58 of the 1976 Code is amended by adding:

“Article 25

Broadband Accessibility Act

Section 58-9-3000. (A) This article shall be known as the ‘Broadband Accessibility Act’.

(B) The General Assembly finds that:

(1) Despite the substantial efforts and billions of dollars invested by existing broadband service providers, locations within the state still lack access to broadband service, particularly in rural areas where the cost to deploy facilities is significantly higher than in more densely-populated areas.

(2) Because the lack of broadband facilities and services in certain areas deprives citizens residing in those areas from access to opportunities, the state needs to take action to correct and eliminate discrepancies in access to broadband facilities and services.

(3) With this chapter, the General Assembly intends to authorize electric cooperatives to (a) invest in or deploy broadband facilities and (b) provide broadband service in this state, while ensuring that appropriate protections are in place to ensure that electric cooperatives do not have an unfair competitive advantage over other broadband service providers, and that the provision of broadband service by electric cooperatives does not unduly burden their electric service customers.

(4) It is the public policy of this state to encourage and facilitate the development and investment in broadband facilities in order to facilitate access to broadband services at all locations in the state, as this development is vital and necessary to induce, create, and promote

WEDNESDAY, SEPTEMBER 23, 2020

industrial and economic development and to create job opportunities, enhance health care, and enhance educational advancement in the state.

(5) It is the public policy of this state to encourage continued and expanded investment in broadband infrastructure in this state by existing and new broadband providers.

(6) It is the public policy of the state to promote the authorization of advanced communications capabilities to be installed within existing easements and other rights-of-way in a manner that protects the rights of landowners.

(7) It is the public policy of this state to promote the efficient deployment of broadband facilities in the state.

(8) Utilizing electric easements to provide broadband services, especially existing overhead or underground facilities, does not change the physical use of the easement, interfere with or impair any vested rights of the owner or occupier of real property subject to the easement, or place any additional burdens on the property interests of an owner or occupier. Consequently, the installation and operation of broadband services within the easements are merely changes in the manner or degree of the granted use as appropriate to accommodate a new technology and, absent any applicable express prohibition contained in the instrument conveying or granting the easement, shall be deemed as a matter of law to be permitted use within the scope of every such easement.

(9) The provisions of this chapter are reasonably related to the legislative objective of facilitating access to broadband services in unserved areas throughout the state.

Section 58-9-3010. As used in this article, unless the context otherwise requires:

(1) ‘attached facility’ means a broadband facility or a broadband network or any portion of a broadband network, in each case located substantially:

(a) aboveground and attached to an electric cooperative’s electric service infrastructure; or

(b) underground in an electric easement.

(2) ‘broadband affiliate’ means a broadband service provider that is a separate legal entity from any electric cooperative but is wholly or partially owned by one or more electric cooperatives, or is controlled by, controls, or is under common control with one or more electric cooperatives.

(3) ‘broadband facility’ means any infrastructure used to deliver broadband service or for the provision of broadband service.

WEDNESDAY, SEPTEMBER 23, 2020

(4) 'broadband network' means any and all infrastructure, equipment, materials, or component parts thereof that may be used to provide landline or wireless broadband service, whether now existing or that may be developed in the future including, but not limited to, wires; cables, including fiber optic and copper cables; conduits to the extent not prohibited by the National Electric Safety Code; antennas; equipment; fixtures; switching multiplexers; poles; routers; switches; servers; appurtenances; facilities; or other equipment, whether ancillary, auxiliary, or otherwise used to facilitate the provision of landline or wireless broadband service.

(5) 'broadband service' means a landline or wireless service that meets the definition of 'broadband service' in Section 58-9-10(17) and that has minimum download speeds of 25 megabits per second and minimum upload speeds of 3 megabits per second.

(6) 'broadband service provider' means:

(a) a person that provides retail broadband service to end-user customers; and

(b) an existing broadband service provider.

(7) 'commission' means the Public Service Commission of South Carolina.

(8) 'communications service provider' means a person that provides communications service as defined in Section 58-9-2610(B).

(9) 'electric easement' means a recorded or unrecorded easement or right-of-way or similar right in or to real property, including prescriptive rights, no matter how acquired, held by any electric provider for the siting of electric service infrastructure or for the purpose of delivering electric service, regardless of whether an electric cooperative's broadband affiliate or another broadband service provider uses the easement or other right to provide broadband service.

(10) 'electric cooperative' means an electric cooperative organized under Chapter 49 of Title 33.

(11) 'electric provider' means an electric cooperative, an investor-owned electric utility, and the South Carolina Public Service Authority.

(12) 'existing broadband service provider' means a person that was providing broadband service as defined in Section 58-9-10(17) on the effective date of this article.

(13) 'FCC' means the Federal Communications Commission or its successor.

(14) 'make-ready' means the modification or replacement of an electric cooperative's infrastructure or of the lines or equipment on the

WEDNESDAY, SEPTEMBER 23, 2020

electric cooperative's infrastructure to accommodate additional attached facilities.

(15) 'person' means any natural person and any firm, association, corporation business trust, partnership, federal agency, state or political subdivision or agency thereof, or any body politic.

(16) 'retail broadband service' means any broadband service other than that provided for:

- (a) the internal use of an electric cooperative;
- (b) the internal use of another electric cooperative;
- (c) resale by another electric cooperative or other broadband service provider; or
- (d) use as a component part of communications services that other cable, telecommunications, or information services providers offer to their customers.

Section 58-9-3020. (A) Subject to the limitations set forth in this article, and in addition to all other purposes, powers, and authority currently granted to electric cooperatives under the laws of this state, an electric cooperative may do all of the following within areas in which it is authorized to provide electric service, and within such other areas as provided in subsection (B):

- (1) own, maintain, construct, install, and replace broadband facilities;
- (2) contract with a broadband service provider, including a broadband affiliate, to own, lease, manage, construct, superintend, install, operate, maintain, and replace a broadband network;
- (3) provide retail broadband service only through a broadband affiliate; and
- (4) contract with a broadband service provider that is not a broadband affiliate to provide retail broadband service to electric cooperative customers in compliance with the provisions of this article, provided however that nothing in this article is intended to nor shall it be construed as regulation of the rates, terms, and conditions of retail broadband service to end-user customers.

(B) An electric cooperative may provide retail broadband service only within:

- (1) areas in which it is authorized to provide electric service and areas within two miles of an authorized electric service area;
- (2) census block groups for federal funding programs in which the electric cooperative has been designated as a recipient for federal or state funding provided that:

WEDNESDAY, SEPTEMBER 23, 2020

(a) the funding is provided through a structured and defined program;

(b) the program is open to broadband service providers including, but not limited to, electric cooperatives offering broadband pursuant to this article; and

(c) the program is intended to support the deployment of broadband facilities or broadband service for unserved consumers;

(3) census blocks for state funding programs in which the electric cooperative has been designated as a recipient for federal or state funding provided that:

(a) the funding is provided through a structured and defined program;

(b) the program is open to broadband service providers including, but not limited to, electric cooperatives offering broadband pursuant to this article; and

(c) the program is intended to support the deployment of broadband facilities or broadband service for unserved consumers.

(C) In order to assist an electric cooperative in the planning, engineering, construction, extension, provision, operation, repair and maintenance of broadband facilities, an electric cooperative or its broadband affiliate is authorized to:

(1) apply for, accept, repay, and utilize loans, grants, and other financing from any person; and

(2) enter into contracts, agreements, partnerships, or other types of business relationships with any person.

(D) This article does not require or obligate an electric cooperative to install or implement a broadband network or facilities or to provide broadband service; provided, however, nothing in this subsection relieves an electric cooperative from complying with the provisions of Section 58-9-3030(A) and (B).

(E) A broadband affiliate shall only serve the purposes of developing, providing, furnishing, or promoting broadband facilities and broadband services or a combination of such purposes.

Section 58-9-3030 (A) An electric cooperative shall provide communications service providers, including any broadband affiliates of such electric cooperative, with nondiscriminatory access in offering or granting rights to install or attach any attached facilities, including the right to use easements and rights-of-way, and must offer just, reasonable, and nondiscriminatory rates, fees, charges, terms, and conditions for attached facilities to communications service providers, which must pay such charges and comply with such terms and conditions. Access

WEDNESDAY, SEPTEMBER 23, 2020

includes the right to nondiscriminatory use of all easements and rights-of-way and to all poles, ducts, conduits to the extent not prohibited by the National Electric Safety Code, and similar support structures owned or controlled by the electric cooperative or, if applicable, its broadband affiliate, including access to the replacement or expansion of such facilities for the purpose of attaching equipment for the provision of broadband service.

(1) Except as expressly provided otherwise, nothing in this article alters, amends, or otherwise affects the provisions of any agreement that, as of the effective date of this article, addresses the attachment or placement of facilities by communications service providers on or in the poles or structures of an electric cooperative.

(2) Notwithstanding subitem (1), a communications service provider may submit to an electric cooperative a written request to negotiate agreements addressing the attachment or placement of facilities, after the date of the written request, by the communications service provider on or in the existing or new poles or structures of the electric cooperative. Unless the communications service provider and the electric cooperative agree otherwise, such agreements must not address facilities that were attached or placed prior to the date of the written request to negotiate. The parties must negotiate in good faith for at least sixty days after the written request, after which either party may petition the commission to determine just and reasonable rates, terms, and conditions for the agreements. The commission must make such determination within one hundred eighty days of the filing of the petition for that determination and the commission's determination must apply retroactively to all facilities attached or placed between the date of the written request to negotiate and the date of the commission's determination. Between the date of the written request to negotiate and the date of the commission's determination:

(a) the terms and conditions of any existing agreement addressing such attachments or placements apply, subject to true-up, to put the parties in the positions in which they would have been had the commission's determination been in effect on the date of the written request to negotiate; and

(b) in the absence of such existing agreement, unless the parties agree otherwise, the commission, within thirty days of the petition for a determination, must establish interim rates, terms, and conditions that will apply, subject to true-up, to put the parties in the positions in which they would have been had the commission's determination been in effect on the date of the written request to negotiate.

WEDNESDAY, SEPTEMBER 23, 2020

(B)(1) Except as provided in item (2), an electric cooperative shall not withhold authorization or delay its decision to provide authorization to a communications service provider to install, maintain, own, operate, or use the communications service provider's attached facilities on electric service infrastructure owned or controlled by the electric cooperative. A communications service provider shall not delay installation, maintenance, or relocation of attachments owned or controlled by the communications service provider on infrastructure owned or controlled by an electric cooperative except as may be required by law, regulation, or agreement. All review by an electric cooperative of requests by a communications service provider to attach facilities, make-ready activities, and all pole or support structure replacement or expansions undertaken pursuant to this section shall be completed by the electric cooperative, its broadband affiliate, or by the communications service provider, as applicable, within the timeframes and other make-ready requirements set forth in 47 C.F.R. §1.1411 under federal law for utilities subject to regulation by the FCC pursuant to the Federal Pole Attachments Act (47 U.S.C.A. § 224) as it exists on September 15, 2020, unless the commission finds, upon petition by the electric cooperative, its affiliate, or the communications service provider that the public interest and necessity require an extension of such timelines.

(2) A request to utilize poles, ducts, or conduits under this section may be denied only if there is insufficient capacity or for reasons of safety, reliability, and generally applicable engineering principles, and those limitations cannot be remedied by rearranging, expanding, or otherwise reengineering the facilities, provided the communications service provider pays the reasonable and actual cost of the pole owner caused by its attachment.

(C)(1) An electric cooperative that provides any broadband facility or any broadband service that is not retail broadband service to a broadband affiliate or to any other person or entity must do so pursuant to a written contract, at market rates, and on terms and conditions that are not harmful to competition. Within fifteen business days of entering any such contract, an electric cooperative must file notice of the contract with the commission in a docket designated by the commission. If, after consultation with the electric cooperative that has filed such notice, a communications services provider believes the electric cooperative has violated the provisions of this subsection, a communications services provider may submit a complaint pursuant to the provisions of Section 33-49-150 asserting that the electric cooperative has violated the provisions of this subsection. Upon submitting such complaint, the

WEDNESDAY, SEPTEMBER 23, 2020

electric cooperative must provide any relevant contracts to the communications services provider pursuant to a nondisclosure agreement. If the communications services provider and the electric cooperative cannot agree to the terms of a nondisclosure agreement within ten days after the submission of the complaint, either may petition the commission to determine the terms and conditions of such nondisclosure agreement and the commission must do so within ten days of the filing of the petition. No complaint submitted pursuant to this subsection shall be the subject of a motion to dismiss or a motion to stay or otherwise delay the proceedings for failure to set forth sufficient factual allegations to support the claim until fifteen business days after the communications service provider submitting the complaint has been provided any relevant contract. If the complaint results in a contested case before the commission, the electric cooperative subject to the complaint and the communications service provider submitting the complaint shall be permitted to conduct discovery in accordance with the commission's rules and regulations. The Office of Regulatory Staff is given authority to investigate such complaints and the commission is given authority and jurisdiction to resolve any disputed issues concerning such complaints. For the purposes of determining whether a contract is harmful to competition pursuant to this subsection:

(a) the commission may consider whether the contract is exclusive, but the exclusivity of a contract does not, in and of itself, constitute harm to competition; and

(b) any contract that by its own terms is available for adoption by any communications service provider is, by operation of law, at market rates and on terms and conditions that are not harmful to competition.

(2) The notice requirements of item (1) do not apply to:

(a) broadband services or broadband facilities that are provided for the internal electric operations use of the electric cooperative or another electric cooperative; or

(b) any agreements entered into prior to the effective date of this article.

(3) No sooner than five years from the effective date of this article, on petition by any interested party, the commission may consider whether there remains a continued need for the notice filing requirements of item (1) and, if it determines that the need no longer exists, the commission may terminate the notice filing requirement of item (1).

(D)(1) Except as otherwise provided in this article, a communications service provider that has attached, or applied to attach, facilities on

WEDNESDAY, SEPTEMBER 23, 2020

electric cooperative infrastructure shall abide by the terms, conditions, and schedules required of them in pole attachment agreements and will transfer its attached facilities to new or updated electric cooperative infrastructure in accordance with the terms, conditions, or schedules required therein, or, in the absence of any such terms, conditions or schedules, transfer its attached facilities to new or updated electric cooperative infrastructure within a reasonable amount of time.

(2) A communications service provider that has attached, or applied to attach, facilities on electric cooperative infrastructure and the electric cooperative must cooperate with the owner of the pole and all other attaching entities in good faith to fully comply with National Electric Safety Code requirements for electric infrastructure attachments.

(3) Except in compliance with the provisions of a written agreement that provide otherwise, a communications service provider must not attach to electric cooperative infrastructure without the knowledge and permission of the electric cooperative.

(E) An electric cooperative shall not directly provide retail broadband service but may cause or allow a broadband affiliate to offer retail broadband service. As long as an electric cooperative maintains its exclusive right to provide electric service to customers within its exclusive service territory, both the electric cooperative that has a broadband affiliate and the broadband affiliate shall:

(1) maintain or cause to be maintained an accounting system for the broadband affiliate separate from the electric cooperative's accounting system, following generally accepted accounting principles or another reasonable and customary allocation method;

(2)(a) not cause or allow the electric cooperative to use its exclusive right to provide electric services within its exclusive territory to cross-subsidize the broadband affiliate or its provision of broadband service. To prevent cross-subsidization between broadband service activities and electricity service activities, any electric cooperative with a broadband affiliate that provides retail broadband service shall:

(i) fully allocate all costs of electricity service activities and broadband service activities, including costs of any shared services between electricity service activities and broadband affiliate broadband service activities in accordance with:

(A) the provisions of this section; and

(B) the applicable uniform system of accounts and generally accepted accounting principles that are applicable to electric cooperatives under federal and state laws, rules, and regulations;

WEDNESDAY, SEPTEMBER 23, 2020

(ii) not charge any costs of broadband service activities to the electricity service customers of such electric cooperative.

(A) Costs of broadband service activities do not include the appropriate costs of construction, installation, attachment, operation, management services, administrative services, repair, and maintenance of the facilities or infrastructure associated with the portion of communications infrastructure and facilities or services that are used by the electric cooperative for internal information and control technology systems necessary for the provision of electricity services.

(B) The electric cooperative must charge its broadband affiliate, and the broadband affiliate must cover in the prices it charges for its broadband services, amounts that fully compensate the electric cooperative for the direct, indirect, and shared costs associated with the portion of the infrastructure and facilities or services that are used by the broadband affiliate. Such costs are not limited to marginal or incremental costs but instead must include the appropriate costs of construction, installation, attachment, operation, management services, administrative services, repair, and maintenance of the facilities or infrastructure regardless of whether they are in the space apportioned for electric, communications, or any other facilities or structures;

(iii) not use below-market loans or below-market funding from programs that are not intended to support the deployment of broadband facilities or broadband service in order to support broadband facilities or to provide broadband service unless the electric cooperative or its broadband affiliate imputes the difference between market rates and the below-market loans or below-market funding into the costs of its broadband facilities and broadband service. The provisions of this subitem (iii) shall not apply to loans or funding from programs that are intended to support the deployment of broadband facilities or broadband service.

(b) Nothing in subsection (E)(2) prohibits an electric cooperative from:

(i) loaning funds to a broadband affiliate if the interest rate on the loan is no less than the electric cooperative's lowest cost of capital;

(ii) exchanging services or materials for other services or materials of equivalent value;

(iii) providing reduced-cost broadband service to low-income retail customers; or

WEDNESDAY, SEPTEMBER 23, 2020

(iv) conducting and funding due diligence, operational analysis, entity set-up, and associated noncapital expenditures relating to and prior to the establishment of a broadband affiliate.

(F) The commission and the Office of Regulatory Staff have the authority and jurisdiction set forth in Section 33-49-150(b) to enforce compliance with this section with regard to communications services providers, electric cooperatives, and broadband affiliates that conduct any activities addressed by this section.

(G) Nothing in this article:

- (1) subjects an electric cooperative to regulation by the FCC;
- (2) constitutes an exercise of, or an obligation or intention to exercise, the right of a state under 47 U.S.C. Section 224(c) to regulate the rates, terms, and conditions for pole attachments, as defined in 47 U.S.C. Section 224(a)(4); or
- (3) constitutes a certification, or an obligation to certify, to the FCC under 47 U.S.C. Section 224.

Section 58-9-3040. (A) If the owner of an interest in real property subject to an electric easement contends that the owner's property has been taken, destroyed, or physically damaged by the construction, installation, use, or enlargement of broadband networks within the electric easement on the owner's property that is not expressly provided for by the terms of the electric easement, the owner may file a civil action in the circuit court for the county in which the property is located to recover damages as specified by this section. All such actions must be brought within two years after the later of:

- (1) the effective date of this article; or
- (2) the date broadband networks are first constructed or installed within the electric easement on the owner's real property. Nothing in this article shall revive any right or remedy which may have become barred by lapse of time or by any law of this state prior to the effective date of this article.

(B)(1) In any action under subsection (A), if the court determines that the construction, installation, use, or enlargement of a broadband network exceeds the scope of the rights granted under the provisions of this section or by the electric easement on the owner's real property, the measure of damages shall be an amount equal to the difference, if any, between the following:

- (a) the fair market value of the owner's real property immediately before the construction or installation of broadband networks within the electric easement on the owner's real property; and

WEDNESDAY, SEPTEMBER 23, 2020

(b) the fair market value of the owner's real property immediately after the construction or installation of broadband networks within the electric easement on the owner's real property and taking into account the incidental benefits to the owner's property resulting from the potential availability of broadband services to the property.

(2) Any decreases in the fair market value of owner's property which are not attributable to the construction or installation of broadband networks within the electric easement on the owner's real property shall not be included for purposes of calculating damages in item (1).

(3) The damages, if any, shall be fixed as of the date of construction or installation of broadband networks and shall not be deemed to continue, accumulate, or accrue. The judgment in any such action for the plaintiff shall include the plaintiff's costs and litigation expenses. Costs and litigation expenses authorized by this section may be claimed, taxed, and awarded under the same procedures that apply to costs in other civil actions. Payment of the judgment in any such action shall vest in the electric provider or electric cooperative all property rights necessary to construct, use, install, operate, replace, and maintain, from time to time, the broadband networks within the electric easement on the owner's real property and the electric easement shall be thereafter permanently expanded to include the right to construct, use, install, operate, replace, and maintain the broadband network and broadband services. The judgment shall have the same effect as a conveyance executed by the owner in due form under applicable law and shall run with the land. A certified copy of the judgment may be filed by the electric provider or electric cooperative, a broadband affiliate, or other broadband operator in the land records of the county in which the subject property is located, but is not required to make such broadening of the electric easement effective. The expansion for the broadband network shall include the broadband network within the maintenance, egress, and ingress provisions of the electric easement.

(C) Evidence of past, current, or future revenues or profits derived or to be derived by an electric provider, electric cooperative, broadband affiliate, or unaffiliated broadband operator or broadband service provider from providing broadband services is not admissible for any purpose in an action under this section.

(D) An owner bringing an action under this section may not bring an action on behalf of a class or in any other representative capacity or any form of collective action. The limitation in this subsection is a substantive limitation and allowing an owner to bring a class action or

WEDNESDAY, SEPTEMBER 23, 2020

other representative action for a violation of this chapter would abridge, enlarge, or modify the substantive rights created by this section.

(E) An electric provider, electric cooperative, broadband affiliate, or unaffiliated broadband operator or broadband service provider may receive such rights from an owner of real property by service agreement or service regulation, membership agreement, license agreement, or other agreement to serve the property with advanced communications capabilities without granting an easement or right-of-way. The grant or agreement may permit the construction, installation, replacement, operation, use, and maintenance of the advanced communications capabilities on the property without the requirement of further consent of any other tenant, concessionaire, or occupant of that property.

(F) With respect to the installation of broadband networks within an electric easement in effect prior to the effective date of this article, the electric provider or electric cooperative shall provide the same notice as is required by the express terms of the electric easement, if any, or as required by other applicable law for the construction or installation of the electric delivery network within the electric easement. With respect to the installation of broadband networks within an electric easement that is acquired other than by condemnation after the effective date of this article, the electric provider or electric cooperative shall provide such notice as is required by the express terms of the document creating the electric easement, if any; or under applicable law. Notice shall be sufficient if mailed to the name and address of the owner or owners listed in the real property ad valorem tax records for the county where the real property is located. Nothing in this section shall require the notice from the electric provider or electric cooperative when the electric easement is acquired by condemnation or pursuant to an expansion of the electric easement by civil action commenced by the owner.

(G) Nothing in this article shall be deemed to relieve the broadband operator, broadband service provider, electric provider, or electric cooperative from liability for bodily injury or physical damage to real or personal property located adjacent to the electric easement, subject to the limitations set forth in this article.

Section 58-9-3050. (A) An electric cooperative may not condition the receipt of electric service on, nor provide more favorable terms for electric service for, persons that receive broadband service from the electric cooperative's broadband affiliate or any other broadband service provider.

(B) An electric cooperative may not share confidential information from an unaffiliated communications service provider obtained in a pole

WEDNESDAY, SEPTEMBER 23, 2020

attachment request and approval process including, but not limited to, requested locations for pole attachments, the locations of customers to be served, or any identifying information regarding customers with its broadband affiliate or any other communications service provider.

(C) An electric cooperative shall not disconnect any customer from receiving electric services based on the customer's failure to pay for broadband service provided to the customer by the electric cooperative's broadband affiliate."

SECTION 2. Section 33-49-20 of the 1976 Code is amended to read:

"Section 33-49-20. In this chapter, unless the context otherwise requires:

(1) 'person' includes any natural person, firm, association, corporation, business trust, partnership, federal agency, state or political subdivision or agency thereof, or any body politic;

(2) 'member' means each incorporator of a cooperative and each person admitted to and retaining membership therein and shall include a husband and wife admitted to joint membership;

(3) 'articles of incorporation' includes the articles of conversion of a converted corporation;

(4) 'commission' means the South Carolina Public Service Commission;

(5) 'corridor' means the area within 300 feet of an electric supplier's distribution lines as described in Act 432 of 1969;

(6) 'broadband affiliate' is as defined in Section 58-9-3010(2);

(7) 'broadband network' is as defined in Section 58-9-3010(4);

(8) 'broadband service' is as defined in Section 58-9-3010(5).

Corporations organized under this chapter and corporations which become subject to this chapter in the manner provided herein are hereinafter referred to as 'cooperatives'."

SECTION 3. Section 33-49-150 of 1976 Code is amended as follows:

"Section 33-49-150. (a) The Office of Regulatory Staff under the provisions of this section is hereby vested with the authority and jurisdiction to make inspections, audits, and examinations of electric cooperatives pursuant to the provisions of Chapter 4, Title 58 relating to the compliance of electric cooperatives with the provisions of Sections 33-49-255, 33-49-280, 33-49-420, 33-49-430, 33-49-440, 33-49-450, 33-49-610, 33-49-615, 33-49-620, 33-49-625, 33-49-630, 33-49-640, 33-49-645, 33-49-1410, 33-49-1420, 33-49-1430, 33-49-1440, 58-27-820, and 58-27-840. The Office of Regulatory Staff is granted authority and jurisdiction over electric cooperatives that provide only wholesale

WEDNESDAY, SEPTEMBER 23, 2020

services with regard to any of the foregoing statutory provisions to the extent that those provisions are applicable to the wholesale electric cooperatives. The Office of Regulatory Staff does not have the authority or jurisdiction to make inspections, audits, or examinations of subsidiaries of an electric cooperative provided that the subsidiary is not subsidized by, or any financial credit risk to, electric cooperative ratepayers and that the subsidiary has not taken action, on behalf of the electric cooperative, on any of the electric cooperative's duties as provided in the sections listed above. Where an electric cooperative board of trustees has exercised its business judgment in accordance with sound business and management practices and consistent with the long-term financial stability of the cooperative and the benefit of its members, the Office of Regulatory Staff is not authorized to disturb the resulting decisions of the electric cooperative board of trustees. Upon completion of an authorized inspection, audit, or examination, the Office of Regulatory Staff must report its findings to the management and board of the electric cooperative and attempt to resolve with the management and board any compliance issues that are identified. The commission is vested with the authority and jurisdiction to resolve any disputed issues arising from the inspections, audits, or examinations.

(b) The Office of Regulatory Staff is further vested with the authority and jurisdiction to make inspections, audits, and examinations sufficient to ascertain the compliance of communications service providers, electric cooperatives, and broadband affiliates with the provisions of Sections 58-9-3030 and 58-9-3050. For inspections, audits, and examinations executed in accordance with this subsection, the following procedures apply:

(1) Consistent with the powers provided in Section 33-49-150(b), the Office of Regulatory Staff shall make an inspection, audit, and examination upon the issuance of a complaint, submitted to the Office of Regulatory Staff, by a communications service provider, broadband affiliate, or electric cooperative that has reason to believe a violation of Sections 58-9-3030 or 58-9-3050 is occurring or has occurred. To the extent that a communications service provider is an attacher only, the Office of Regulatory Staff shall confine their inspection, audit, and examination to the attachers compliance with attacher obligations pursuant to applicable laws, regulations, and agreements. The Office of Regulatory Staff shall provide notice of the complaint to each communications service provider, broadband affiliate, or electric cooperative named in the complaint. The provisions of Section 58-4-55 including, but not limited to, the treatment of information deemed

WEDNESDAY, SEPTEMBER 23, 2020

confidential or proprietary, shall apply to any such inspections, audits, and examinations. Information deemed confidential or proprietary must be made available to other parties or to the complaint only pursuant to the terms and conditions of an appropriate nondisclosure agreement. If the parties cannot agree to such terms and conditions, the commission shall provide the parties an opportunity to be heard and then establish the terms and conditions of an appropriate nondisclosure agreement.

(2) Unless the parties to the complaint agree otherwise, the Office of Regulatory Staff must complete its inspection, audit, and examination within forty-five days of issuance of the complaint initiated by a communications service provider, electric cooperative, or a broadband affiliate. Upon completion of an authorized inspection, audit, and examination, the Office of Regulatory Staff must report its findings to the management and board of the electric cooperative, broadband affiliate or the communications service provider that is the subject of the complaint and to the party that made the complaint. The Office of Regulatory Staff will attempt to resolve with the management and board of the electric cooperative, broadband affiliate, or the management of the communications service provider any compliance issues that are identified. The commission is vested with the authority and jurisdiction, upon the filing of a complaint, to determine any disputed issues arising from the inspection, audit, and examination and any issues arising from or under the provisions of Sections 58-9-3030 and 58-9-3050 that are not resolved pursuant to subsection (b). In determining such issues, and only to the extent necessary to resolve such disputed issues, the commission is granted authority and jurisdiction over any and all electric cooperatives, broadband affiliates, and communications service providers that conduct any activities pursuant to Sections 58-9-3030 and 58-9-3050.

(3) The commission must enter a final order deciding a complaint filed with the commission pursuant to subsection (b)(2) within ninety days of filing.

(4) Except as expressly provided in subsection (b), nothing in subsection (b) expands, diminishes, or otherwise affects any existing jurisdiction of the commission.”

SECTION 4. Sections 33-49-250(10) and (11) of the 1976 Code are amended to read:

“(10) to conduct its business and exercise any or all of its powers within or without this State; ~~and~~

(11) to do and perform any and all other acts and things and to have and exercise any and all other powers which may be necessary,

WEDNESDAY, SEPTEMBER 23, 2020

convenient, or appropriate to accomplish the purpose for which the cooperative is organized; and

(12) to wholly or partially own, lease, maintain, construct, install, operate and replace a broadband network directly or indirectly as provided for and subject to the limitations and requirements set forth in Article 25, Chapter 9 of Title 58.”

SECTION 5. Title 58, Chapter 31 of the 1976 Code is amended by adding:

“Section 58-31-230. (A) As used in this section, unless the context otherwise requires:

(1) ‘unaffiliated communications service provider’ means a ‘communications service provider’, as defined under Section 58-9-3010(8), and including, but not limited to, electric cooperatives and their broadband affiliates, that is not controlled by or under common control with the Public Service Authority.

(2) ‘excess fiber capacity’ means fiber optic capacity owned or controlled by the Public Service Authority, constructed to provide internal communications in support of the provision of electric services, and that is unused, available, and in excess of the capacity needed by the Public Service Authority, including its reserve margins, for its internal communications in furtherance of its provision of electric service.

(B) Subject to the provisions set forth in this section, the Public Service Authority shall only lease excess fiber capacity that is used for providing any broadband service to a third party through an arrangement in which the unaffiliated communications service provider provides the broadband service.

(C) The Public Service Authority may cause or allow unaffiliated communications service providers to lease excess fiber capacity through an arrangement in which the unaffiliated communications service provider uses such capacity to provide broadband service; provided such lease shall, subject to the requirements of Section 58-31-30(a)(13), charge rates, fees, or other charges on a nondiscriminatory basis pursuant to a written contract, at market rates and on terms and conditions that are not harmful to competition.

(D) With regard to the lease of excess fiber capacity pursuant to subsection (C), the Public Service Authority must:

(1) submit rates, terms, and conditions to the Office of Regulatory Staff for review and comment;

(2) post rates, fees, and other charges along with terms and conditions on its publicly available website;

WEDNESDAY, SEPTEMBER 23, 2020

(3) within fifteen business days of entering any written contract post conspicuous notice of the contract on its publicly available website; and

(4) within ten days after a written request, make each contract for the lease of excess fiber capacity available for public inspection on an unredacted basis.

(E) Nothing in this section conveys or confers any implied or express grant of authority to the Public Service Authority to directly provide broadband service or act as a broadband service provider, as these terms are defined in Section 58-9-3010(5) and (6) and any legal rights which may or may not belong to the Public Service Authority related to broadband services, if any, are neither expanded nor contracted by this section.

(F) To the extent the Public Service Authority determines, in its sole discretion, to provide any communications service provider, including, without limitation, electric cooperatives and their broadband affiliates, access to any pole, duct, conduit, easement, or right-of-way owned or controlled by the Public Service Authority, for the purpose of providing retail broadband service, it must provide such access to any other communications service provider for the purpose of providing retail broadband service on a nondiscriminatory basis and subject to the Public Service Authority's terms and conditions. Nothing in this section shall prohibit the Public Service Authority from denying access to a pole, duct, or conduit if it determines there is insufficient capacity or for reasons of safety, reliability, and generally applicable engineering principles. The terms of this subsection (F) shall not apply to leasing by the Authority of excess fiber capacity.

(G) The Administrative Law Court shall have authority and jurisdiction to enforce compliance with this section.

(H) Nothing in this section:

(1) subjects the Public Service Authority to regulation by the FCC;

(2) constitutes an exercise of, or an obligation or intention to exercise, the right of a state under 47 U.S.C. Section 224(c) to regulate the rates, terms, and conditions for pole attachments, as defined in 47 U.S.C. Section 224(a)(4); or

(3) constitutes a certification or an obligation to certify to the FCC under 47 U.S.C. Section 224."

SECTION 6. This act does not convey or confer any implied or express grant of authority to an investor owned electric utility to provide broadband facilities or broadband services as defined in this act and any legal rights which may or may not belong to investor owned electric

WEDNESDAY, SEPTEMBER 23, 2020

utilities to provide broadband facilities or broadband services at the time of the passage of this act are neither expanded nor contracted by its passage.

SECTION 7. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 8. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Leatherman	Loftis	Malloy
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Sheheen
Turner	Williams	Young

WEDNESDAY, SEPTEMBER 23, 2020

Total--39

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

H. 3780--Ordered to a Third Reading

On motion of Senator RANKIN, with unanimous consent, H. 3780 was ordered to receive a third reading on Thursday, September 24, 2020.

RECALLED, AMENDED, READ THE SECOND TIME

H. 4262 -- Reps. Simrill, Rutherford, Sandifer, Forrester, West, Jefferson, R. Williams, Anderson, Weeks, G.R. Smith, S. Williams and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 11, TITLE 58 SO AS TO ENACT THE "SOUTH CAROLINA SMALL WIRELESS FACILITIES DEPLOYMENT ACT"; TO MAKE LEGISLATIVE FINDINGS; TO DEFINE RELEVANT TERMS; TO PROVIDE, AMONG OTHER THINGS, THAT CERTAIN AGREEMENTS OR ENACTMENTS PERTAINING TO THE DEPLOYMENT OF SMALL WIRELESS FACILITIES THAT DO NOT COMPLY WITH CERTAIN PROVISIONS OF THIS ACT MUST BE DEEMED INVALID AND UNENFORCEABLE BEGINNING OCTOBER 1, 2019; TO PROVIDE THAT CERTAIN UNITS OF LOCAL GOVERNMENT "AUTHORITIES" WITH CONTROL OVER RIGHTS OF WAY MAY NOT PROHIBIT, REGULATE, OR CHARGE FOR THE COLLOCATION OF CERTAIN SMALL WIRELESS FACILITIES; TO PROVIDE THAT SMALL WIRELESS FACILITIES MUST BE CLASSIFIED AS PERMITTED USES AND NOT SUBJECT TO ZONING REVIEW AND APPROVAL UNDER SPECIFIED CIRCUMSTANCES; TO PROVIDE REQUIREMENTS FOR APPLICATIONS, FEES, APPLICATION REVIEW, AND ISSUANCE OF PERMITS FOR COLLOCATION OF SMALL WIRELESS FACILITIES; TO REQUIRE AUTHORITIES TO ALLOW THE COLLOCATION OF SMALL WIRELESS FACILITIES ON AUTHORITY UTILITY POLES UNDER SPECIFIED CIRCUMSTANCES; TO PROHIBIT AUTHORITIES FROM REGULATING THE DESIGN,

WEDNESDAY, SEPTEMBER 23, 2020

ENGINEERING, CONSTRUCTION, INSTALLATION, OR OPERATION OF ANY SMALL WIRELESS FACILITY IN SPECIFIED CIRCUMSTANCES; TO PROVIDE THAT THE ADMINISTRATIVE LAW COURT HAS JURISDICTION TO RESOLVE ALL DISPUTES ARISING UNDER THE ACT; AND TO PROHIBIT AN AUTHORITY FROM REQUIRING A WIRELESS PROVIDER TO INDEMNIFY THE AUTHORITY OR ITS OFFICERS OR EMPLOYEES AND FROM NAMING THE AUTHORITY AS AN ADDITIONAL INSURED ON A WIRELESS PROVIDER'S INSURANCE POLICY.

Senator GAMBRELL asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration today.

Senator GAMBRELL asked unanimous consent to make a motion to take the Bill up for immediate consideration.

There was no objection.

Amendment No. 4262

Senators GAMBRELL, GOLDFINCH, HUTTO, SAAB, and CLIMER proposed the following amendment (JUD4262.008), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting therein the following:

/ SECTION 1. Chapter 11, Title 58 of the 1976 Code is amended by adding:

“Article 5

Small Wireless Facilities Deployment Act

Section 58-11-800. (A) This article must be known and may be cited as the ‘South Carolina Small Wireless Facilities Deployment Act’.

(B) The General Assembly finds that:

(1) the deployment of small wireless facilities and other next-generation wireless and broadband network facilities is a matter of statewide concern and interest;

(2) wireless and broadband products and services are a significant and continually growing part of the state's economy; accordingly, encouraging the development of strong and robust wireless and

WEDNESDAY, SEPTEMBER 23, 2020

broadband communications networks throughout the state is integral to the state's economic competitiveness;

(3) rapid deployment of small wireless facilities serves numerous important statewide goals and public policy objectives including, but not limited to, meeting growing consumer demand for wireless data, increasing competitive options for communications services available to the state's residents; promoting the ability of the state's citizens to communicate with other citizens and with their state and local governments; and promoting public safety;

(4) small wireless facilities, including facilities commonly referred to as small cells and distributed antenna systems, are deployed most effectively in the right-of-way (ROW);

(5) to meet the key objectives of this article, wireless providers must have access to the ROW and the ability to attach to infrastructure in the ROW to densify their networks and provide next generation wireless services;

(6) uniform rates and fees for the permitting and deployment of small wireless facilities in the ROW and on authority infrastructure, including poles, throughout the State is reasonable and encourages the development of robust next-generation wireless and broadband networks for the benefit of citizens throughout the State;

(7) the procedures, rates, and fees in this article are fair and reasonable when viewed from the perspective of the state's citizens and the state's interest in having robust, reliable, and technologically advanced wireless and broadband networks; and reflect a balancing of the interests of the wireless providers deploying new facilities and the interests of authorities in recovering their costs of managing access to the ROW and the attachment space provided on authority infrastructure in the ROW; and

(8) this article supersedes and preempts any enactment by an authority that contradicts, expands, contracts, or otherwise modifies the provisions of this article with respect to the regulation of the placement of small wireless facilities and of support structures and poles for small wireless facilities in the ROW; provided however, that nothing in this item limits any power granted to any authority under this article including, but not limited to, the power to enforce city-wide compliant provisions in previous enactments, so long as those provisions do not violate federal law.

Section 58-11-810. For purposes of this article:

(1) 'Antenna' means:

WEDNESDAY, SEPTEMBER 23, 2020

(a) communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services; and

(b) similar equipment used for the transmission or reception of surface waves.

(2) 'Applicable codes' means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization, or local amendments to those codes that are of general application, address public safety, and are consistent with this article.

(3) 'Applicant' means any person that submits an application.

(4) 'Application' means a request submitted by an applicant to an authority:

(a) for a permit to collocate small wireless facilities; or

(b) to approve the installation, modification, or replacement of a pole.

(5) 'Authority' means any county, municipality, or consolidated government or any agency, district, subdivision or instrumentality thereof.

(6) 'Authority pole' means a pole owned, managed, or operated by or on behalf of an authority, provided however, that an authority pole not shall not include any pole, support structure, electric transmission structure, or equipment of any type that is part of a municipally owned or municipally controlled electric plant or system for furnishing of electricity to the public for compensation.

(7) 'Collocate or collocation' means to install, mount, maintain, modify, operate, or replace small wireless facilities on or adjacent to a support structure or pole.

(8) 'Communications facility' means the set of equipment and network components, including wires, cables, surface wave couplers, and associated facilities used by a cable operator, as defined in 47 U.S.C. Section 522(5); a provider of 'video service' as defined in S.C. Code Ann. Section 58-12-300(10); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); a provider of information service, as defined in 47 U.S.C. Section 153(24); or a wireless services provider to provide communications services, including cable service, as defined in 47 U.S.C. Section 522(6); telecommunications service, as defined in 47 U.S.C. Section 153(53); an information service, as defined in 47 U.S.C. Section 153(24); wireless service; surface wave communication, or other one-way or two-way communications service.

(9) 'Communications network' means a network used to provide communications service.

WEDNESDAY, SEPTEMBER 23, 2020

(10) ‘Communications service’ means cable service as defined in 47 U.S.C. 522(6), information service as defined in 47 U.S.C. 153(24), telecommunications service as defined in 47 U.S.C. 153(53), or wireless service.

(11) ‘Communications service provider’ means a cable operator, as defined in 47 U.S.C. Section 522(5); a provider of information service, as defined in 47 U.S.C. Section 153(24); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); or a wireless provider.

(12) ‘Compliant provision’ means a provision or regulation in an enactment applicable to poles, support structures, replacement poles, and small wireless facilities that:

(a) addresses only: aesthetics, design, concealment, or stealth requirements that are technically feasible and technologically neutral; decorative poles; underground districts; design districts, or historical districts;

(b) is reasonable;

(c) is published within thirty days prior to becoming applicable with regard to any wireless provider; and

(d) is not an effective prohibition of service that is prohibited by federal law.

(13) ‘Decorative pole’ means an authority pole that is specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than a small wireless facility, public safety devices, or specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal rules or codes.

(14) ‘Design district’ means a discrete area within the jurisdiction of the authority that is clearly defined in an enactment published at least thirty days before it becomes effective, and for which the authority maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis among all occupants of the ROW, on the grounds that the characteristics of the discrete area warrant design and aesthetic standards that differ from those that apply to the vast majority of the areas within the jurisdiction of the authority.

(15) ‘Design manual’ means a binding measure adopted by an authority that sets forth examples of small wireless facility deployments that the authority deems to comply with this article.

(16) ‘Enactment’ means any ordinance, rule, policy, design manual, or equivalently binding measure adopted by an authority.

WEDNESDAY, SEPTEMBER 23, 2020

(17) 'FCC' means the Federal Communications Commission of the United States.

(18) 'Fee' means a one-time, nonrecurring charge.

(19) 'Historic district' means a group of buildings, properties, or sites that is either:

(a) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified at 47 C.F.R. Part 1, Appendix C; or

(b) a registered historic district pursuant to state law at the time the permit for the small wireless facility or pole is submitted; or

(c) an overlay zone, as defined in and limited by Section 6-29-720(C)(5):

(i) that has been established by the authority with regulatory control of zoning within the specified geographic area at least sixty days prior to the relevant application;

(ii) for which the special public interest to be protected is the preservation and protection of historic and architecturally valuable districts and neighborhoods or archaeologically significant resources according to uniform design standards; and

(iii) for which the authority maintains and enforces objective standards that are published in advance and applied on a uniform and nondiscriminatory basis.

(20) 'Law' means an enactment or a federal or state law, statute, common law, code, rule, regulation, or order.

(21) 'Micro wireless facility' means a small wireless facility that meets the following qualifications:

(a) is not larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height; and

(b) any exterior antenna that is no longer than eleven inches.

(22) 'Network interface device' means the telecommunications demarcation device and cross connect point demarcating the boundary with any wireline backhaul facility and which is on or adjacent to the pole or support structure supporting the small wireless facility.

(23) 'Permit' means a written authorization, in electronic or hard copy format, required to be issued by an authority to initiate, continue, or complete the collocation of a small wireless facility or the installation, modification, or replacement of a pole upon which a small wireless facility is to be collocated.

WEDNESDAY, SEPTEMBER 23, 2020

(24) 'Person' means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority.

(25) 'Pole' means a vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right-of-way including, but not limited to, a replacement pole and an authority pole. A 'pole' shall not include a support structure or electric transmission structure.

(26) 'Rate' means a recurring charge.

(27) 'Right-of-way' or 'ROW' means the area through, upon, over, or under a road, highway, street, sidewalk, alley, or similar property; provided, however, that such term shall apply only to property or any interest therein that is under the ownership or control of an authority and shall not include property or any interest therein acquired for or devoted to a federal interstate highway.

(28) 'Small wireless facility' means radio transceivers; surface wave couplers; antennas; coaxial or fiber optic cable located on a pole or support structure, immediately adjacent to a pole or support structure, or directly associated with equipment located on a pole or support structure and within a one hundred foot radius of the pole or support structure; regular and backup power supplies and rectifiers; and associated ancillary equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meets both of the following qualifications:

(a) each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and

(b) all other wireless equipment associated with the small wireless facility, whether ground or pole mounted, is cumulatively no more than twenty-eight cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility: electric meters, concealment elements, network interface devices, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services. The term 'small wireless facility' does not include: the pole, support structure, or improvements on, under, or within which the equipment is located or collocated or to which the equipment is attached; wireline backhaul facilities; or coaxial or fiber optic cable that is between small wireless facilities, poles, or support structures or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

WEDNESDAY, SEPTEMBER 23, 2020

For purposes of this subsection, in order to be considered directly associated with equipment located on a pole or support structure, coaxial or fiber optic cable must not extend more than one hundred feet in radial circumference from the base of the pole or support structure to which the small wireless facility antenna is attached. No portion of a small wireless facility as defined in this subsection may be used as a wireline backhaul facility.

(29) 'Support structure' means a building, billboard, or any other structure in the ROW to which a small wireless facility is or may be attached. A 'support structure' shall not include an electric transmission structure or pole.

(30) 'Technically feasible' means that by virtue of engineering or spectrum usage the proposed placement for a small wireless facility, or its design, concealment measures, or site location can be implemented without a material reduction in the functionality of the small wireless facility.

(31) 'Underground district' means a group of buildings, properties, or sites:

(a) that has been established by the authority with regulatory control of zoning within the specified geographic area;

(b) in which the authority, at least sixty days prior to the relevant application, has required all communications and electric lines in the specified geographic area to be placed underground; and

(c) for which the authority maintains and enforces objective standards that are published in advance and applied on a uniform and nondiscriminatory basis.

(32) 'Wireless communications' means any communications using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public.

(33) 'Wireless infrastructure provider' means any person, including a person authorized to provide telecommunications service in the State, acting to build or install wireless communication transmission equipment, wireless facilities or support structures, but that is not a wireless services provider.

(34) 'Wireless provider' means a wireless infrastructure provider or a wireless services provider.

(35) 'Wireless services' means any services using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public.

(36) 'Wireless services provider' means a person who provides wireless services.

WEDNESDAY, SEPTEMBER 23, 2020

(37) ‘Wireline backhaul facility’ means an above-ground or underground wireline facility used to transport communications between a small wireless facility network interface device and a network or another small wireless network interface device.

Section 58-11-815. (A) If an authority and a wireless provider entered into a written agreement addressing the subject matter of this article prior to the effective date of this act:

(1) this article shall not apply until such agreement expires or is terminated pursuant to its terms with regard to poles, support structures, replacement poles, and small wireless facilities installed pursuant to such agreement prior to the effective date of this act; otherwise,

(2) the provisions of this article shall apply to poles, support structures, replacement poles, and small wireless facilities installed in the ROW on or after the effective date of this act.

(B) With regard to any enactment that was adopted prior to the effective date of this article and that addresses the subject matter of this article:

(1) any compliant provisions in such enactment remain in effect and, to the extent that such compliant provisions apply to decorative poles, underground districts, design districts, or historic districts, shall apply in lieu of Section 58-11-820(F)(2), (G)(1), and (H); and

(2) all other provisions of any such enactment are invalid, and all other provisions of this article apply in lieu thereof.

(C) An authority may adopt an enactment that:

(1) adopts compliant provisions, which to the extent that such compliant provisions apply to decorative poles, underground districts, design districts, or historic districts, shall apply in lieu of the provisions of Section 58-11-820(F)(2), (G)(1), and (H);

(2) authorizes wireless providers to install and operate small wireless facilities and associated poles and support structures in strict compliance with all other provisions of this article; and

(3) if the authority is a municipality, grants any consent that has not previously been granted, either expressly or otherwise, for wireless providers to install and operate small wireless facilities and associated poles and support structures in compliance with items (1) and (2).

(D) An enactment that strictly complies with subsection (B) or (C) complies with this article and shall be fully applicable within the territorial jurisdiction of such authority. In the absence of such an enactment, and until such an enactment is adopted, if at all, a wireless provider may install and operate small wireless facilities and associated

WEDNESDAY, SEPTEMBER 23, 2020

poles and support structures under the requirements of this article on and after the effective date of this act.

(E)(1) Other than an agreement provided for in Section 58-11-815(G), an authority must not require a wireless provider to enter into an agreement including, but not limited to, a franchise agreement whether memorialized in an enactment or in any other manner, to implement this article, but nothing in this article prohibits an authority and a wireless provider from voluntarily entering one or more such agreements after the effective date of this article, including such agreements with rates, fees, and other terms that differ from those in this article, provided however, that the authority must make each such agreement available for public inspection and available for adoption upon the same terms and conditions to any requesting wireless provider.

(2) Agreements entered into pursuant to item (1) are public-private arrangements and are matters of legitimate and significant statewide concern.

(F) Nothing in this article limits an authority's powers with respect to wireless facilities that are not small wireless facilities in the ROW, or poles that are used for purposes other than installation of small wireless facilities in the ROW.(G) Nothing in this article prevents an authority from requiring a provider seeking to collocate small wireless facilities on authority poles to enter an agreement establishing the terms and conditions for use of those authority poles. Upon request by a wireless provider, the authority must make available such an agreement with terms and conditions that are just, reasonable, nondiscriminatory, and compliant with the provisions of this article. If the wireless provider requests additional or different terms and conditions, the parties shall seek to negotiate an agreement expeditiously and in good faith.

(H) Nothing in this article permits a wireless provider to use public property outside the ROW or private property without the consent of the property owner.

Section 58-11-820.(A) The provisions of this section shall apply only to activities of a wireless provider within the ROW to deploy small wireless facilities and associated poles.

(B) An authority may not enter into an exclusive arrangement with any person for use of the ROW for the collocation of small wireless facilities or the installation, operation, marketing, modification, maintenance, or replacement of poles.

(C)(1) Subject to the exceptions in Section 58-11-830(F)(1), an authority may charge a wireless provider a rate or fee for the use of the ROW with respect to the collocation of small wireless facilities or the

WEDNESDAY, SEPTEMBER 23, 2020

installation, maintenance, modification, operation, or replacement of a pole in the ROW only if such rate or fee is nondiscriminatory and only if the authority charges other similarly situated entities for use of the ROW.

(2) Notwithstanding the provisions of item (1) of this subsection, an authority is permitted, on a nondiscriminatory basis, to refrain from charging any rate or fee to a wireless provider for the use of the ROW. The rates or fees for such use of the ROW and associated applications and attachments to authority poles are provided in Section 58-11-850.

(D) Subject to the provisions of this section, a wireless provider shall have the right, as a permitted use subject only to administrative review pursuant to Section 58-11-830, to collocate small wireless facilities and install, maintain, modify, operate, and replace poles in the ROW. These structures and facilities must be installed and maintained so as not to: create a safety hazard; obstruct or hinder the usual travel in or the public's safe use of the ROW; or obstruct the legal use of the ROW by utilities.

(E)(1) Each new or modified pole installed in the ROW may not exceed the greater of ten feet in height above the tallest existing pole in place as of the effective date of this article located within five hundred feet of the new pole in the same ROW, or fifty feet above ground level; provided, however, that for applications to place poles in residential zoning districts to deploy small wireless facilities, the authority may propose an alternate location in the ROW within one hundred fifty feet of the location set forth in the application, and the wireless provider shall use the authority's proposed alternate location unless the location is not technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.

(2) New small wireless facilities in the ROW may not extend more than ten feet above an existing pole in place as of the effective date of this article; or for small wireless facilities on a new pole, above the height permitted for a new pole pursuant to this section.

(3) To the extent permitted by and approved under applicable zoning or other regulations, a wireless provider shall have the right to collocate a small wireless facility on and install, maintain, modify, operate, and replace poles in the ROW that exceed the height limits set forth in subsection (E)(1).

(F)(1) Subject to an authority's ability to deny the proposal as set forth in this article, a wireless provider must be permitted to collocate on

WEDNESDAY, SEPTEMBER 23, 2020

or replace decorative poles when necessary to deploy a small wireless facility.

(2) An authority may require the collocation on a decorative pole or the replacement of a decorative pole to reasonably conform to the design aesthetics of the original decorative pole, provided these requirements are technically feasible.

(3)(a) For applications to replace decorative poles to deploy small wireless facilities, the authority may propose an alternate location in the ROW within one hundred fifty feet of the location set forth in the application, and the wireless provider shall use the authority's proposed alternate location unless the location is not technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.

(b) For applications to collocate small wireless facilities on decorative poles, the authority may propose collocation on a new pole or on an existing pole or structure in the ROW within one hundred fifty feet of the location set forth in the application, and the wireless provider shall use the authority's proposed alternative unless the location is not technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.

(G)(1) A wireless provider shall comply with reasonable and nondiscriminatory requirements that prohibit the installation of poles in the ROW in an underground district where:

(a) no less than sixty days prior to the submission of the application, the authority has required all such lines to be placed underground;

(b) poles the authority allows to remain are made available to wireless providers for the collocation of small wireless facilities and may be replaced by a wireless provider to accommodate the collocation of small wireless facilities in compliance with this article; and

(c) a wireless provider is allowed to install a new pole when it is not able to provide wireless service by collocating on a remaining pole or support structure; provided, however, that for any such application to install a new pole, the authority may propose an alternate location in the ROW within one hundred fifty feet of the location set forth in the application, and the wireless provider shall use the authority's proposed alternate location unless the location is not technically feasible or

WEDNESDAY, SEPTEMBER 23, 2020

imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.

(2) For small wireless facilities installed before an authority adopts requirements that comply with subsection (G)(1), an authority adopting such requirements shall:

(a) permit a wireless provider to maintain the small wireless facilities in place subject to any applicable pole attachment agreement with the pole owner; or

(b) permit the wireless provider to replace the associated pole within fifty feet of the prior location, provided that the wireless provider shall allow communications service providers with attachments on the existing pole to place those attachments on the replacement pole under the same or reasonably similar fees, rates, terms, and conditions as applied to those attachments on the existing pole.

(H)(1) Subject to Section 58-11-830(D), an authority may require reasonable, technically feasible, nondiscriminatory and technologically neutral design requirements, height limitations of no less than forty feet, or concealment measures in a design district or historic district. These design requirements, height limitations, or concealment measures may not have the effect of prohibiting any provider's technology or the provision of wireless services; nor may any such measures be considered a part of the small wireless facility for purposes of the size restrictions in the definition of small wireless facility.

(2) For applications to place poles in a design district or a historic district to deploy small wireless facilities, the authority may propose an alternate location in the ROW within one hundred fifty feet of the location set forth in the application, and the wireless provider shall use the authority's proposed alternate location unless the location is not technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.

(I) The authority, in the exercise of its administration and regulation related to the management of the ROW, must be reasonable, competitively neutral, nondiscriminatory with regard to all users of the ROW, and compliant with applicable law.

(J) A wireless provider shall repair all damage to the ROW directly caused by the activities of the wireless provider in the ROW and shall restore the ROW to its condition before the damage occurred pursuant to

WEDNESDAY, SEPTEMBER 23, 2020

the competitively neutral and reasonable requirements and specifications of the authority. If within thirty calendar days after written notice the wireless provider fails to the extent practicable in the reasonable judgment of the authority to restore the ROW to its condition prior to the damage in compliance with this subsection, the authority may, at the sole discretion of the authority, restore the ROW to such condition and charge the applicable party the reasonable, documented cost of the restoration, plus a penalty not to exceed five hundred dollars; provided, however, that the wireless provider may request additional time to make such repairs, and the authority shall not unreasonably deny such a request. The authority may suspend the ability of the wireless provider to receive any new permits from the authority until the wireless provider has paid the amount assessed for such restoration costs, if any; provided, however, that the authority shall not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by the Administrative Law Court.

(K) A wireless provider must not be required to replace or upgrade an existing pole except for reasons of structural necessity, compliance with applicable codes, or compliance with this article. A wireless provider may, with the permission of the pole owner, replace or modify existing poles, but any such replacement or modification must be consistent with the design aesthetics of the poles being modified or replaced.

(L) A wireless provider shall notify the authority in writing as soon as practicable, but no later than thirty days before its abandonment of a small wireless facility. Following receipt of such notice, the authority may direct the wireless provider to remove all or any portion of the small wireless facility if the authority determines that such removal is in the best interest of the public safety and public welfare. If the wireless provider fails to remove the abandoned facility within ninety days after such notice, the authority may undertake to do so and recover the actual and reasonable expenses of doing so from the wireless provider, its successors or assigns, plus a penalty not to exceed five hundred dollars. The authority may suspend the ability of the wireless provider, its successors, or its assigns, as applicable, to receive any new permits from the authority until the wireless provider, its successors, or its assigns, as applicable, have paid the amount assessed for such removal costs, if any; provided, however, that the authority shall not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by the Administrative Law Court.

WEDNESDAY, SEPTEMBER 23, 2020

(M) If the authority determines that a wireless provider's activity in a ROW pursuant to this article creates an imminent risk to public safety, the authority may provide written notice to the wireless provider and demand that the wireless provider address such risk. If the wireless provider fails to reasonably address the risk within twenty-four hours of the written notice, the authority may take or cause to be taken action to reasonably address such risk and charge the wireless provider the reasonable documented cost of such actions.

(N) Nothing in this article relieves any person including, but not limited to, any wireless provider, of any applicable obligation to pay business license taxes including, but not limited to, those provided for in Article 20, Chapter 9 of Title 58, or franchise fees. Any entity that uses the ROW, directly or indirectly, including through leased facilities, to provide services in a municipality is responsible for all applicable taxes and fees related to the services provided.

Section 58-11-830. (A) The provisions of this section shall apply to the permitting of the collocation of small wireless facilities by a wireless provider in the ROW and to the permitting of the installation, modification, and replacement of associated poles by a wireless provider inside the ROW.

(B) Except as provided in this article, an authority may not prohibit, regulate, or charge for the collocation of small wireless facilities and associated poles described in subsection (A).

(C) An authority may require an applicant to obtain a permit to collocate a small wireless facility or to install a new, modified, or replacement pole associated with a small wireless facility as provided in Section 58-11-830(E). An authority may also require an applicant to obtain additional permits for such activity, provided that: such additional permits are of general applicability and do not apply exclusively to wireless facilities; an applicant shall not be required to obtain or pay any fees for a building permit, as the permit issued pursuant to this article serves as a building permit for the applicable poles and small wireless facilities; and any applications for any such additional permits, once submitted, must be acted upon within the same number of days as an application for permit under this article. An authority requiring additional permits pursuant to this subsection must publish and keep current a list of each additional permit that is required, and the authority must make the list available to any person upon request.

(D) An authority may adopt a design manual for an applicant's installation and construction of small wireless facilities and new poles to support such facilities in the public ROW that allows for, but does not

WEDNESDAY, SEPTEMBER 23, 2020

require, pre-approval of designs in addition to those that may be authorized in compliance with this article.

(E) An authority shall receive applications for, process, and issue such permits subject to the following requirements:

(1) The application shall be made by the applicable wireless provider or its duly authorized representative and shall contain the following:

(a) the applicant's name, address, telephone number, and email address, including emergency contact information for the applicant;

(b) the names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application;

(c) a general description of the proposed work and the purposes and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed;

(d) detailed construction drawings regarding the proposed use of the ROW;

(e) to the extent the proposed facility involves collocation on a pole, decorative pole, or support structure, a structural report performed by a duly licensed engineer evidencing that the pole, decorative pole, or support structure will structurally support the collocation, or that the pole, decorative pole, or support structure may and will be modified to meet structural requirements, in accordance with applicable codes;

(f) for any new aboveground facilities, visual depictions or representations if such are not included in the construction drawings; and

(g) information indicating the approximate horizontal and vertical locations, relative to the boundaries of the ROW, of the small wireless facility for which the application is being submitted;

(h) if the application is for the installation of a new pole or replacement of a decorative pole, a certification that the wireless provider has determined after diligent investigation that it cannot meet the service objectives of the permit by collocating on an existing pole or support structure on which:

(i) the wireless provider has the right to collocate subject to reasonable terms and conditions; and

(ii) such collocation would be technically feasible and would not impose significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the

WEDNESDAY, SEPTEMBER 23, 2020

assessment of an engineer licensed in South Carolina, and shall provide a written summary of the basis for such determination;

(i) if the small wireless facility will be collocated on a pole or support structure owned by a third party, other than an authority pole, a certification that the wireless provider has permission from the owner to collocate on the pole or support structure;

(j) an affirmation that the applicant is, on the same date, submitting applications for the permits identified in the list the authority maintains pursuant to Section 58-11-830(C); and

(k) any additional information reasonably necessary to demonstrate compliance with the criteria set forth in item (10).

(2) An applicant must not be required to provide more information to obtain a permit than is set forth in item (1).

(3) An authority may not directly or indirectly require an applicant to perform services or provide goods unrelated to the permit, such as in-kind contributions to the authority including, but not limited to, reserving fiber, conduit, or pole space for the authority.

(4) Except as expressly permitted by this article, an authority may not require:

(a) the collocation of small wireless facilities on a specific pole or category of poles or require multiple antenna systems on a single pole;

(b) the use of specific pole types or configurations when installing new or replacement poles, provided however that nothing in this subitem prohibits an authority from enforcing the provisions of Sections 58-11-820(F)(2), (G)(1), and (H) or any compliant provisions adopted pursuant to Section 58-11-815(B) or (C); or

(c) except as authorized by Section 58-11-820(G)(1) or any compliant provisions adopted pursuant to Section 58-11-815(B) or (C), the underground placements of small wireless facilities that are or are designated in an application to be pole-mounted or ground-mounted.

(5) Without limiting an authority's ability to adopt spacing requirements for ground-mounted equipment and new poles in accordance with this article, an authority may not limit the collocation of small wireless facilities by minimum horizontal separation distance requirements between small wireless facilities and: (a) existing small wireless facilities; (b) poles; or (c) other structures.

(6) The authority may require an applicant to include an attestation that the small wireless facilities will be operational for use by a wireless services provider within one year after the permit issuance date, unless: the authority and the applicant agree to extend this period; or delay is caused by lack of commercial power or by the lack of communications

WEDNESDAY, SEPTEMBER 23, 2020

transport facilities to be provided to the site by an entity that is not an affiliate, as that term is defined in 47 U.S.C. Section 153(2), of the applicant.

(7) An authority may require an applicant that is not a wireless services provider to include an attestation that a wireless services provider has requested in writing that the applicant collocate the small wireless facilities or install, modify, or replace the pole at the requested location, and the authority may require the applicant to submit proof that such wireless services provider is licensed by the FCC or otherwise authorized to provide wireless services within the geographic jurisdiction of the authority.

(8) Within ten days of receiving an application, an authority must determine and notify the applicant in writing whether the application is complete. If an application is incomplete, an authority shall specifically identify the missing information in writing. The processing deadline in item (9) is tolled from the time the authority sends the notice of incompleteness to the time the applicant provides the missing information. That processing deadline also may be tolled by agreement of the applicant and the authority, confirmed in writing.

(9) An application must be processed on a nondiscriminatory basis. The authority shall make its final decision to approve or deny the application within sixty days of receipt of a complete application for collocation of small wireless facilities and within ninety days of receipt of a complete application for the installation, modification, or replacement of a pole and the collocation of associated small wireless facilities on the installed, modified, or replaced pole. If the authority fails to act on an application within the applicable time period, the applicant may provide the authority written notice that the time period for acting has lapsed, and the authority shall then have twenty days after receipt of such notice to render its written decision. The application shall be deemed to have been approved by passage of time and operation of law if the authority does not render its written decision within the noticed twenty days.

(10) An authority may deny an applicant's proposed collocation of a small wireless facility or a proposed installation, modification, or replacement of a pole that meets the requirements in Section 58-11-820(E) only if the proposed collocation, installation, modification, or replacement:

(a) interferes with the safe operation of traffic control or public safety equipment;

WEDNESDAY, SEPTEMBER 23, 2020

(b) interferes with sight lines or clear zones for transportation or pedestrians;

(c) interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement;

(d) requests that ground-mounted small wireless facility equipment be located more than seven and a half feet in radial circumference from the base of the pole, decorative pole, or support structure to which the small wireless facility antenna is to be attached, provided that the authority shall not deny the application if a greater distance from the base of the pole, decorative pole, or support structure is necessary to avoid interfering with sight lines or clear zones for transportation or pedestrians or to otherwise protect public safety;

(e) fails to comply with the height limitations permitted by this article or with reasonable and nondiscriminatory horizontal spacing requirements of general application adopted by an enactment that concern the location of ground-mounted equipment and new poles. These spacing requirements may not be applied in a manner that constitutes an effective prohibition of service that is prohibited by federal law;

(f) designates the location of a new pole for the purpose of collocating a small wireless facility within seven feet in any direction of an electrical conductor, unless the wireless provider obtains the written consent of the power supplier that owns or manages the electrical conductor;

(g) fails to comply with applicable codes;

(h) fails to comply with Section 58-11-820(F), (G)(1), or (H) or any compliant provisions adopted in accordance with Section 58-11-815(B) or (C);

(i) fails to comply with laws of general applicability that address pedestrian and vehicular traffic and safety requirements; or

(j) fails to comply with laws of general applicability that address the occupancy or management of the ROW and that are not otherwise inconsistent with this article.

(11) The authority shall document the basis for a denial, including the specific provisions of this article on which the denial was based, and send the documentation to the applicant on or before the day the authority denies an application. The applicant may cure the deficiencies identified by the authority and resubmit the application within thirty days of the denial without paying an additional application fee. The authority shall approve or deny the revised application within

WEDNESDAY, SEPTEMBER 23, 2020

thirty days of resubmission and limit its review to the deficiencies cited in the denial. If the authority fails to act on a revised application within this thirty-day period, the applicant may provide the authority written notice that the time period for acting has lapsed, and the authority shall then have five days after receipt of such notice to render its written decision approving or denying the revised application. The revised application shall be deemed to have been approved by passage of time and operation of law if the authority does not render its written decision within the noticed five days.

(12) An applicant seeking to collocate small wireless facilities within the jurisdiction of a single authority may submit a single consolidated application, provided that such a consolidated application shall be for a geographic area no more than two miles in diameter, for up to thirty small wireless facilities and receive a single permit for the collocation of multiple small wireless facilities; provided, however, the denial of one or more small wireless facilities in a consolidated application must not delay processing of any other small wireless facilities in the same consolidated application. Solely for purposes of calculating the number of small wireless facilities in a consolidated application, a small wireless facility includes any pole on which such small wireless facility will be collocated.

(13) Installation or collocation for which a permit is granted pursuant to this section must be completed within one year of the permit issuance date unless: the authority and the applicant agree to extend this period, or a delay is caused by the lack of commercial power or by the lack of communications facilities to be provided to the site by an entity that is not an affiliate, as that term is defined in 47 U.S.C. Section 153(2), of the applicant. Approval of an application authorizes the applicant to:

- (a) undertake the installation or collocation; and
- (b) subject to applicable relocation requirements and the applicant's right to terminate at any time, operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of no less than ten years, which must be renewed for equivalent durations so long as the installation or collocation is in compliance with the criteria set forth in item (10).

(14) An authority may not institute, either expressly or de facto, a moratorium on filing, receiving, or processing applications, or issuing permits or other approvals, if any, for the collocation of small wireless facilities or the installation, modification, or replacement of poles to support small wireless facilities.

WEDNESDAY, SEPTEMBER 23, 2020

(15) The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this section neither constitutes an authorization nor affects any authorization a provider may have to provide a communication service or to install, place, maintain, or operate any other communications facility, including a wireline backhaul facility, in a ROW.

(F)(1) Subject to subitem (2), an authority may not require a permit or any other approval or charge fees or rates for:

- (a) routine maintenance;
- (b) the replacement of small wireless facilities with small wireless facilities that are substantially similar or the same size or smaller; or
- (c) the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables that are suspended between poles or support structures in compliance with applicable codes.

(2) Notwithstanding the provisions of subitem (1), an authority may require that prior to performing the activities described in subitem (1), an applicant must apply for and receive a permit for work that requires excavation or closure of sidewalks or vehicular lanes within the ROW for the activities described in item (1). Such a permit must be issued to the applicant on a nondiscriminatory basis upon terms and conditions that are consistent with applicable codes and that apply to the activities of any other person in the ROW that require excavation or the closing of sidewalks or vehicular lanes.

(G) No wireless provider shall collocate any small wireless facility in the ROW or install, modify, or replace a pole or decorative pole for collocation of a small wireless facility in the ROW without first filing an application and obtaining a permit therefor, except as otherwise expressly provided in subsection (F) of this section. Any failure to comply with this subsection by a wireless provider shall allow the applicable authority, at the sole discretion of the authority, to restore the ROW, to the extent practicable in the reasonable judgment of the authority, to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider its reasonable, documented cost of restoration, plus a penalty not to exceed one thousand dollars. The authority may suspend the ability of the wireless provider to receive any new permits from the authority until the wireless provider has paid the amount assessed for such restoration costs, if any; provided, however, that the authority shall not suspend such ability of any applicant that has deposited the amount in controversy in

WEDNESDAY, SEPTEMBER 23, 2020

escrow pending an adjudication of the merits of the dispute by the Administrative Law Court.

(H) If, in the reasonable exercise of police powers, an authority requires widening, repair, reconstruction, or relocation of a public road or highway, or relocation of poles, support structures, or small wireless facilities as a result of a public project, a wireless provider shall relocate poles and support structures that such wireless provider has installed in the ROW for the collocation of small wireless facilities pursuant to this article at no cost to the authority if such poles and support structures are found by the authority to unreasonably interfere with the widening, repair, reconstruction, or relocation project or the public project. If widening, repair, reconstruction, or relocation is required as a condition or result of a project by a person other than an authority, such person shall bear the cost of relocating such poles or support structures and any communications facilities on such poles or support structures.

Section 58-11-840. (A) The provisions of this section apply to the collocation of small wireless facilities on an authority pole in the ROW by a wireless provider.

(B) A person owning, managing, or controlling authority poles in the ROW may not enter into an exclusive arrangement with any person for the right to attach to such poles. A person who purchases or otherwise acquires an authority pole is subject to the requirements of this section.

(C) Subject to an authority's ability to deny a permit application as set forth in this article, an authority shall allow the collocation of small wireless facilities on authority poles on nondiscriminatory terms and conditions in compliance with this article.

(D) The rates to collocate on authority poles must be nondiscriminatory regardless of the services provided by the collocating wireless provider and must be as set forth in Section 58-11-850.

(E)(1) The rates, fees, terms, and conditions for make-ready work to collocate on an authority pole must be nondiscriminatory, competitively neutral, commercially reasonable, and in compliance with this article.

(2)(a) The authority shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation by a wireless provider, including pole replacement if necessary, within sixty days after receipt of a complete application. Alternatively, the authority may require the wireless provider to perform the make-ready work and notify the wireless provider of such within the sixty-day period. If the wireless provider or its contractor performs the make-ready work, the wireless provider shall indemnify the authority for any negligence by the wireless provider or its contractor in the

WEDNESDAY, SEPTEMBER 23, 2020

performance of such make-ready work and the work shall otherwise comply with applicable law.

(b) Make-ready work performed by or on behalf of an authority, including any pole replacement, must be completed within sixty days of written acceptance of the good faith estimate by the applicant. An authority may require replacement of the authority pole only if it demonstrates that the collocation would make the authority pole structurally unsound.

(3) The person owning, managing, or controlling the authority pole must not require more make-ready work than required to meet applicable codes or industry standards. Fees assessed by or on behalf of an authority for make-ready work, including any pole replacement, must not:

(a) include costs related to preexisting or prior damage or noncompliance;

(b) exceed either actual costs or the amount charged to other communications service providers for similar work on similar types of authority poles; or

(c) include any revenue or contingency-based consultant's fees or expenses of any kind.

(4) A wireless provider collocating on an authority pole pursuant to this article is responsible for reimbursing third parties for their actual and reasonable costs of any make-ready work reasonably required by the third party to accommodate the collocation. If the authority includes such costs of a third party in the good faith estimate provided pursuant to item (2) of this subsection, payment of that estimate to the authority constitutes reimbursement of the third party by the wireless provider. Otherwise, the third party may bill the wireless provider for such reimbursement within six months of the completion of the third party's make-ready work.

Section 58-11-850. (A) Except as provided in Section 58-11-830(F), this section governs an authority's rates and fees for the collocation of a small wireless facility and the installation, modification or replacement of an associated pole.

(B) Except to the extent permitted by this article or otherwise specifically authorized by state or federal law including, but not limited to, Article 20, Chapter 9 of Title 58 and Chapter 12 of Title 58, an authority may not:

(1) adopt or enforce any regulations or requirements on the placement or operation of communications facilities in a ROW by a

WEDNESDAY, SEPTEMBER 23, 2020

communications service provider authorized by federal, state, or local law to operate in a ROW;

(2) regulate any communications services; or

(3) impose or collect any tax, fee, or charge for the provision of any communications service over the communications service provider's communications facilities in a ROW.

(C) Without limiting the foregoing, a wireless provider is authorized to deploy small wireless facilities and associated poles in a ROW in compliance with this article regardless of whether the provider has sought or obtained any certificate or other authority from the Public Service Commission of South Carolina; provided, however, that nothing in this article prohibits an authority from requiring proof that a wireless services provider is licensed by the FCC or otherwise authorized to provide service within the geographic jurisdiction of the authority.

(D)(1) A municipality may charge an application fee to a wireless provider regardless of whether the provider is subject to a business license tax that is or may be imposed upon it pursuant to Section 58-9-2220 and a franchise, consent, or administrative fee that is or may be imposed upon it pursuant to Section 58-9-2230.

(2) A municipality may charge an application fee to a communications service provider regardless of whether the provider is subject to a franchise fee that is or may be imposed upon it pursuant to Section 58-12-330.

(3) An authority may charge an application fee, so long as the fee is reasonable, nondiscriminatory, and recovers no more than an authority's direct costs for processing an application; provided, however, the fee may not exceed:

(a) for applications to collocate small wireless facilities on existing poles or structures, one hundred dollars each for the first five small wireless facilities in the same application and fifty dollars for each additional small wireless facility in the same application; or

(b) for applications to collocate small wireless facilities on new poles, one thousand dollars for each pole, which fee covers both the installation of the new pole and the collocation on the new pole of associated small wireless facilities that are a permitted use in accordance with the specifications in Section 58-11-820(D); and

(c) for applications to collocate small wireless facilities on modified or replacement poles, two hundred fifty dollars for each pole, which fee covers both the modification or replacement of the pole and the collocation on the pole of associated small wireless facilities that are

WEDNESDAY, SEPTEMBER 23, 2020

permitted uses in accordance with the specifications in Section 58-11-820(D).

(4)(a) Beginning on the effective date of this section and ending upon completion of the fourth year immediately following the effective date of this section, a municipality with a need for consultation in the review of a permit application may engage an outside consultant for consultation, review, and processing of the application and may charge the applicant the fees described in subitem (b) for such engagement. The fee the authority charges the applicant for such review shall not be used for:

(i) travel expenses incurred in the review of a collocation application by an outside consultant or other third party; or

(ii) direct payment or reimbursement for an outside consultant or other third party based on a contingent fee basis or results-based arrangement.

(b) The fee the municipality charges an applicant pursuant to subitem (a) may not exceed the lesser of:

(i) the amount the municipality pays the outside consultant for engagements that are consistent with subitem (a); or

(ii) the following amounts:

(aa) for applications to collocate small wireless facilities on existing poles or structures: seventy dollars each for the first five small wireless facilities in the same application and thirty-five dollars for each additional small wireless facility in the same application during the first year immediately following the effective date of this section; sixty dollars each for the first five small wireless facilities in the same application and thirty dollars for each additional small wireless facility in the same application during the second year immediately following the effective date of this section; fifty dollars each for the first five small wireless facilities in the same application and twenty-five dollars for each additional small wireless facility in the same application during the third year immediately following the effective date of this section; and forty dollars each for the first five small wireless facilities in the same application and twenty dollars for each additional small wireless facility in the same application during the fourth year immediately following the effective date of this section;

(bb) for applications to collocate small wireless facilities on new poles: six hundred fifty dollars during the first year immediately following the effective date of this section; five hundred twenty dollars during the second year immediately following the effective date of this section; four hundred fifty-five dollars during the third year immediately

WEDNESDAY, SEPTEMBER 23, 2020

following the effective date of this section; and three hundred ninety-nine dollars during the fourth year immediately following the effective date of this section; and

(cc) for applications to collocate small wireless facilities on modified or replacement poles: two hundred dollars during the first year immediately following the effective date of this section; one hundred eighty-five dollars during the second year immediately following the effective date of this section; one hundred fifty dollars during the third year immediately following the effective date of this section; and one hundred twenty-five dollars during the fourth year immediately following the effective date of this section.

(c) In any dispute concerning the appropriateness of a fee under this subitem, the municipality has the burden of proving that the fee meets the requirements of this subitem.

(E)(1) A municipality may charge a rate for the occupancy and use of the ROW to a wireless provider regardless of whether the provider is subject to a business license tax that is or may be imposed upon it pursuant to Section 58-9-2220 and a franchise, consent, or administrative fee that is or may be imposed upon it pursuant to Section 58-9-2230.

(2) A municipality may charge a rate for the occupancy and use of the ROW to a communications service provider regardless of whether the provider is subject to a franchise fee that is or may be imposed upon it pursuant to Section 58-12-330.

(3) An authority may charge a wireless provider for the occupancy and use of the ROW, so long as such rate is reasonable, nondiscriminatory, and does not exceed: one hundred dollars per year for each small wireless facility collocated on any existing or replacement pole, including an existing or replacement authority pole; or two hundred dollars per year for each small wireless facility collocated on a new pole, other than a replacement pole, which two hundred dollar rate shall cover the new pole and the small wireless facility collocated on it.

(F)(1) An authority may charge a rate for collocation of a small wireless facility on an authority pole, but any such rate must be reasonable, nondiscriminatory, and recover no more than the authority's direct costs associated with such collocation, not to exceed fifty dollars per authority pole per year.

(2) Other than requiring a wireless provider to pay attachment rates as permitted by item (1), an authority may not require any person or entity with facilities installed on a pole or support structure to pay any additional attachment rates or fees as a result of the granting of an application for a permit under this article.

WEDNESDAY, SEPTEMBER 23, 2020

(G) The applicant or the person that owns or operates the small wireless facility collocated in the ROW may remove its small wireless facilities at any time from the ROW upon not less than thirty days' prior written notice to the authority and may cease paying to the authority any applicable fees and rates for such use, as of the date of the actual removal of the small wireless facilities. In the event of such removal, the ROW shall be, to the extent practicable in the reasonable judgment of the authority, restored to its condition prior to the removal. If the applicant fails, to the extent practicable in the reasonable judgment of the authority, to return the ROW to its condition prior to the removal within ninety days of the removal, the authority may, at the sole discretion of the authority, restore the ROW to such condition and charge the applicant the authority's reasonable, documented cost of removal and restoration, plus a penalty not to exceed five hundred dollars. The authority may suspend the ability of the applicant to receive any new permits from the authority until the applicant has paid the amount assessed for such restoration, if any; provided, however, that the authority shall not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by the Administrative Law Court.

Section 58-11-853. The construction, installation, maintenance, modification, operation, and replacement of wireline backhaul facilities in the ROW are not addressed by this article, and any such activity shall comply with the applicable provisions of the South Carolina Code Ann. including, but not limited to, Section 58-9-280(A) and (B) and Chapter 12, Title 58.

Section 58-11-857. An applicant in the ROW must not install, maintain, modify, operate, repair, or replace any small wireless facilities, support structures, or poles in a manner that interferes with any existing infrastructure, equipment, or service including, but not limited to, infrastructure, equipment, or service used to provide communications, electric, gas, water, sewer, or public safety services.

Section 58-11-860. The provisions of this section apply only to activities in the ROW. Nothing in this article must be interpreted to:

(1) allow an entity to provide services regulated pursuant to 47 U.S.C. Sections 521 to 573, without compliance with all laws applicable to such providers; or

(2) impose any new requirements on cable providers for the provision of such service in this State.

Section 58-11-870. Pursuant to the provisions of this article and applicable federal law, an authority may continue to exercise zoning,

WEDNESDAY, SEPTEMBER 23, 2020

land use, planning and permitting authority within its territorial boundaries with respect to small wireless facilities, poles, and support structures outside of the ROW, including the enforcement of applicable codes. An authority does not have and may not exercise any jurisdiction or authority over the design, engineering, construction, installation, or operation of a small wireless facility located in an interior structure or upon the site of a campus, stadium, or athletic facility not owned or controlled by the authority, other than to require compliance with applicable codes. Nothing in this article authorizes the State or any agency, department, or instrumentality thereof, including an authority, to require any wireless facility deployment or to regulate wireless services.

Section 58-11-880. This article does not apply to poles owned by an investor-owned utility, except as it concerns a wireless provider's access to the ROW and permits for the collocation of small wireless facilities on such poles.

Section 58-11-900. The Administrative Law Court has contested case jurisdiction to determine all disputes arising under this article between an applicant and an authority or any person or entity acting on behalf of an authority. Any request filed with the Administrative Law Court pursuant to this article must be filed in accordance with its Rules of Procedure. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on authority poles, the person owning or controlling the pole must allow the collocating person to collocate on its poles at annual rates of no more than fifty dollars, with the actual rate to be settled upon final resolution of the dispute. Disputes subject to this section must be adjudicated pursuant to accelerated docket or complaint procedures including, but not limited to, procedures in Section 1-23-600(B), if available.

Section 58-11-910. (A) Subject to the requirements of this section, an authority may adopt reasonable indemnification, insurance, and bonding requirements related to facilities, poles, or support structures that are subject to this article.

(B) With regard to facilities, poles, and support structures that are subject to this article, an authority may not require a wireless provider to indemnify and hold the authority and its officers and employees harmless against any claims, lawsuits, judgments, costs, liens, losses, expenses, or fees, except when a court of competent jurisdiction has found that the negligence of the wireless provider while siting, installing, maintaining, repairing replacing, relocating, permitting, operating, or locating facilities, poles, or support structures pursuant to this article caused the harm that created such claims, lawsuits, judgments, costs, liens, losses,

WEDNESDAY, SEPTEMBER 23, 2020

expenses, or fees. In no event shall any authority or any officer, employee, or agent affiliated therewith, while in the performance of its or his or her official duties, be liable for any claim related to the siting, installation, maintenance, repair, replacement, relocation, permitting, operation or location of facilities, poles, or support structures that are subject to this article. An authority is immune under the laws of South Carolina against any claim of violating a private deed when enforcing the terms of this article for the deployment of small wireless facilities and associated poles and support structures in the ROW.

(C) An authority may require a wireless provider to have in effect insurance coverage consistent with this section, so long as the authority imposes similar requirements on other ROW users and such requirements are reasonable and nondiscriminatory.

(1) An authority may not require a wireless provider to obtain insurance naming the authority or its officers and employees as additional insureds.

(2) An authority may require a wireless provider to furnish proof of insurance, if required, prior to the effective date of a permit issued for a small wireless facility.

(D) An authority may adopt bonding requirements for small wireless facilities if the authority imposes similar requirements in connection with permits issued for other ROW users.

(1) The purpose of such bonds must be to provide for the:

(a) removal of abandoned or improperly maintained small wireless facilities, including those that an authority determines must be removed to protect public health, safety, or welfare;

(b) restoration of the ROW as provided in Section 58-11-820(J);
and

(c) recoupment of rates or fees that have not been paid by a wireless provider in over twelve months, so long as the wireless provider has received reasonable notice from the authority of any of the noncompliance listed in this subitem and given an opportunity to cure.

(2) Bonding requirements may not exceed two hundred dollars per small wireless facility. For wireless providers with multiple small wireless facilities within the jurisdiction of a single authority, the total bond amount across all facilities may not exceed ten thousand dollars and that amount may be combined into one bond instrument.

Section 58-11-920. (A) Neither the State nor any agency, department, or instrumentality thereof may condition a wireless provider's access to any ROW or a wireless provider's deployment of small wireless facilities and associated poles in any ROW on the wireless provider's seeking or

WEDNESDAY, SEPTEMBER 23, 2020

obtaining any certificate or other authority from the Public Service Commission of South Carolina.

(B) Without limiting the provisions of subsection (A):

(1) a wireless services provider seeking access to a ROW as described in subsection (A) may be required to provide proof that it is licensed by the FCC or otherwise authorized to provide wireless services within the State; and

(2) a wireless provider seeking access to a ROW as described in subsection (A) that is not also a wireless services provider may be required to submit an attestation that a wireless services provider has requested in writing that the wireless provider deploy small wireless facilities or associated poles at the requested location and provide proof that such wireless services provider is licensed by the FCC or otherwise authorized to provide service within the State.

(C) To the extent that an authority is otherwise authorized to address a wireless provider's deployment of small wireless facilities and associated poles in the ROW of the State or of any agency, department, or instrumentality thereof, the authority must do so in strict compliance with the provisions of this article.

Section 58-11-930. (A) Within thirty days after written request by any authority with a population of greater than twenty-seven thousand according to the official 2010 United States Decennial Census and with which the applicant has not previously held a meeting that complies with this section, an applicant shall meet with the requesting authority to inform the authority in good faith:

(1) when the applicant expects to commence deployment of small wireless facilities and poles within the authority pursuant to this article;

(2) the number of small wireless facilities and poles it expects to deploy during the twenty-four months after commencement; and

(3) the expected timing of such deployments.

(B) All documents or other information provided by the applicant in the course of, or in association with, any meetings provided for in this section:

(1) are presumed to be 'trade secrets' as defined in Section 30-4-40(a)(1);

(2) are not public information under the Freedom of Information Act; and

(3) are not subject to public disclosure.

(C) The pendency of a meeting requested pursuant to this section shall not relieve an authority from reviewing and acting upon applications that have been or are submitted as set forth in this article."

WEDNESDAY, SEPTEMBER 23, 2020

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator GAMBRELL explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 32; Nays 6

AYES

Alexander	Allen	Campsen
Climer	Corbin	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Leatherman	Loftis	Malloy
Massey	<i>Matthews, Margie</i>	McLeod
Nicholson	Peeler	Rankin
Reese	Sabb	Scott
Setzler	Sheheen	Turner
Williams	Young	

Total--32

NAYS

Cash	Cromer	Harpootlian
McElveen	Rice	Senn

WEDNESDAY, SEPTEMBER 23, 2020

Total--6

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

H. 4262--Ordered to a Third Reading

On motion of Senator GAMBRELL, with unanimous consent, H. 4262 was ordered to receive a third reading on Thursday, September 24, 2020.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1283 -- Senator Allen: A SENATE RESOLUTION TO RECOGNIZE A'JA WILSON OF THE LAS VEGAS ACES FOR HER ACCOMPLISHMENTS DURING THE WNBA'S 2020 SEASON, AND TO CONGRATULATE HER ON WINNING THE LEAGUE'S MOST VALUABLE PLAYER AWARD.

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The Senate Resolution was adopted.

S. 1284 -- Senators Young, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin and Williams: A SENATE RESOLUTION TO CONGRATULATE AND COMMEND J. STROM THURMOND, JR., UPON THE OCCASION OF HIS DEPARTURE FROM THE PUBLIC OFFICE OF SOLICITOR FOR THE SECOND JUDICIAL CIRCUIT, TO EXTEND DEEP APPRECIATION FOR HIS MANY YEARS OF DISTINGUISHED SERVICE TO AIKEN, BAMBERG, AND BARNWELL COUNTIES, AND TO WISH HIM MUCH CONTINUED SUCCESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

WEDNESDAY, SEPTEMBER 23, 2020

H. 5564 -- Reps. Sandifer and Whitmire: A BILL TO AMEND ACT 1041 OF 1970, AS AMENDED, RELATING TO THE ASSESSMENT OF TAXES IN OCONEE COUNTY, SO AS TO REVISE THE MEMBERSHIP AND COMPOSITION OF THE OCONEE COUNTY BOARD OF ASSESSMENT APPEALS.

Read the first time and ordered placed on the Calendar without reference.

H. 5564--Ordered to a Second and Third Reading

On motion of Senator ALEXANDER, H. 5564 was ordered to receive a second and third reading on the next two consecutive legislative days.

H. 5593 -- Reps. Huggins, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE KATHY DIANE HUGGINS KONDUROS OF RICHLAND COUNTY ON THE OCCASION OF HER SEVENTIETH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5596 -- Reps. Huggins, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson,

WEDNESDAY, SEPTEMBER 23, 2020

Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE BONNIE PITTMAN OF GREENVILLE COUNTY ON THE OCCASION OF HER SEVENTIETH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION.

The Concurrent Resolution was adopted, ordered returned to the House.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that the Senate would reconvene at the conclusion of the Joint Assembly.

RECESS

At 11:55 A.M., on motion of Senator MASSEY, the Senate recessed from business for the purpose of attending the Joint Assembly.

JOINT ASSEMBLY

Elections

At 12:00 Noon, the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

S. 1239 -- Senators Peeler, Alexander, Scott and Verdin: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, SEPTEMBER, 23, 2020, AS THE DATE AND TIME FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES TO ELECT SUCCESSOR MEMBERS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE APPELLATE PANEL FOR SEATS 1, 2, AND 3, SO AS TO FILL THE

WEDNESDAY, SEPTEMBER 23, 2020

TERMS THAT EXPIRED JUNE 30, 2020; TWO AT-LARGE MEMBERS TO THE BOARD OF VISITORS FOR THE CITADEL FOR TERMS TO EXPIRE JUNE 30, 2026; THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY FOR TERMS TO EXPIRE JUNE 30, 2024; A MEMBER TO THE BOARD OF TRUSTEES FOR COASTAL CAROLINA UNIVERSITY, FIFTH CONGRESSIONAL DISTRICT, SEAT 5, WHOSE TERM WILL EXPIRE JUNE 30, 2023; A MEMBER OF THE BOARD OF TRUSTEES FOR THE COLLEGE OF CHARLESTON, FIRST CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, SEAT 6, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, SEAT 10, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, SEAT 12, WHOSE TERM EXPIRES JUNE 30, 2024, SEVENTH CONGRESSIONAL DISTRICT, SEAT 14, WHOSE TERM EXPIRES JUNE 30, 2024, AND AT-LARGE, SEAT 16, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR FRANCIS MARION UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2024, SEVENTH CONGRESSIONAL DISTRICT, SEAT 7, WHOSE TERM EXPIRES JUNE 30, 2024, AT-LARGE, SEAT 13, WHOSE TERM EXPIRES JUNE 30, 2022, AND AT-LARGE, SEAT 9, SEAT 11, AND SEAT 15, WHOSE TERMS EXPIRE JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR LANDER UNIVERSITY, FIRST CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SEVENTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF

WEDNESDAY, SEPTEMBER 23, 2020

TRUSTEES FOR THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, FIRST CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SEVENTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR SOUTH CAROLINA STATE UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, SEAT 6, WHOSE TERM EXPIRES JUNE 30, 2024, AT-LARGE, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2024, AND AT-LARGE, SEAT 12, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA, SECOND JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, EIGHTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, TENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SIXTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR WINTHROP UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2026, SIXTH CONGRESSIONAL DISTRICT, SEAT 6, WHOSE TERM EXPIRES JUNE, 2026, AND AT-LARGE, SEAT 9, WHOSE TERM EXPIRES JUNE 30, 2026; THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES OF THE WIL LOU GRAY OPPORTUNITY SCHOOL, WHOSE TERMS EXPIRE JUNE 30, 2024; AND TO ELECT MEMBERS OF THE PUBLIC SERVICE COMMISSION, FIRST CONGRESSIONAL DISTRICT, WHOSE

WEDNESDAY, SEPTEMBER 23, 2020

TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SEVENTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024.

Election to the South Carolina Department of Employment and Workforce Appellate Panel, Seat 1

The PRESIDENT announced that elections were in order to elect a successor to fill a position on the South Carolina Department of Employment and Workforce Appellate Panel, Seat 1.

Representative Bannister, on behalf of the Committee to Screen Candidates for the South Carolina Department of Employment and Workforce Appellate Panel, indicated that Evelyn B. Ayers had been screened and found qualified to serve.

On motion of Representative Bannister, the name of Evelyn B. Ayers was placed in nomination.

Representative Bannister moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Evelyn B. Ayers was elected to a position on the South Carolina Department of Employment and Workforce Appellate Panel for the term to expire July 1, 2024.

Recorded Vote

Senator SHEHEEN desired to be recorded as abstaining.

Election to the South Carolina Department of Employment and Workforce Appellate Panel, Seat 2

The PRESIDENT announced that elections were in order to elect a successor to fill a position on the South Carolina Department of Employment and Workforce Appellate Panel, Seat 2.

Representative Bannister, on behalf of the Committee to Screen Candidates for the South Carolina Department of Employment and Workforce Appellate Panel, indicated that Timothy N. Dangerfield had been screened and found qualified to serve.

On motion of Representative Bannister, the name of Timothy N. Dangerfield was placed in nomination.

WEDNESDAY, SEPTEMBER 23, 2020

Representative Bannister moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Timothy N. Dangerfield was elected to a position on the South Carolina Department of Employment and Workforce Appellate Panel, Seat 2 for the term to expire July 1, 2024.

Recorded Vote

Senator SHEHEEN desired to be recorded as abstaining.

Election to the South Carolina Department of Employment and Workforce Appellate Panel, Seat 3

The PRESIDENT announced that elections were in order to elect a successor to fill a position on the South Carolina Department of Employment and Workforce Appellate Panel, Seat 3.

Representative Bannister, on behalf of the Committee to Screen Candidates for the South Carolina Department of Employment and Workforce Appellate Panel, indicated that Stephen S. Kelly had been screened and found qualified to serve.

On motion of Representative Bannister, the name of Stephen S. Kelly was placed in nomination.

Representative Bannister moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Stephen S. Kelly was elected to a position on the South Carolina Department of Employment and Workforce Appellate Panel, Seat 3 for the term to expire July 1, 2024.

Recorded Vote

Senator SHEHEEN desired to be recorded as abstaining.

Immediately following the Joint Assembly called for the Election of the Department of Employment and Workforce Appellate Panel, the PRESIDENT announced that the Joint Assembly would proceed to the Election to the College and University Board of Trustees.

WEDNESDAY, SEPTEMBER 23, 2020

**Election to the Board of Trustees for
The Citadel, Two At-Large Seats**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for The Citadel, two at-large seats.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that M.W. “Trey” Cockrell III, Stanley L. Myers and Fred L. Price had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the names of M.W. “Trey” Cockrell III and Fred L. Price were withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Stanley L. Myers was elected to a position on the Board of Trustees for The Citadel, at-large for the term to expire June 30, 2026.

**Election to the Board of Trustees for
Clemson University, Three At-Large Seats**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Clemson University, three at-large seats.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Ronald D. Lee, Clayton R. Lowder, Louis B. Lynn, Robert L. Peeler and John W. Pettigrew Jr. had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the name of Clayton R. Lowder, was withdrawn from consideration.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Ronald D. Lee:

Alexander	Allen	Campbell
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree

WEDNESDAY, SEPTEMBER 23, 2020

Hutto	Jackson	Johnson
Malloy	Massey	<i>Matthews, John</i>
McElveen	McLeod	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Sheheen	Talley
Turner	Williams	Young

Total--36

The following named Senators voted for Louis B. Lynn:

Alexander	Allen	Campbell
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Malloy	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Sheheen
Talley	Turner	Williams

Total--36

The following named Senators voted for Robert L. Peeler:

Alexander	Allen	Campbell
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Malloy	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Sheheen	Talley	Turner
Williams	Young	

WEDNESDAY, SEPTEMBER 23, 2020

Total--38

The following named Senators voted for John W. Pettigrew, Jr.:

Cash	Loftis	Massey
Nicholson	Young	

Total--5

On the motion of Rep. Hiott, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Ronald D. Lee:

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bannister	Bernstein
Blackwell	Bradley	Brawley
Brown	Calhoon	Clary
Clyburn	Cobb-Hunter	Cogswell
Collins	W. Cox	Crawford
Daning	Davis	Dillard
Elliott	Erickson	Felder
Forrest	Forrester	Fry
Funderburk	Gagnon	Garvin
Gilliam	Gilliard	Govan
Hardee	Henderson-Myers	Henegan
Herbkersman	Hewitt	Hiott
Hixon	Howard	Huggins
Hyde	Jefferson	Johnson
Jordan	Kirby	Ligon
Lucas	Mack	Matthews
McGinnis	McKnight	Moore
Murphy	W. Newton	Norrell
Oremus	Ott	Pope
Ridgeway	Rivers	Robinson
Rose	Sandifer	Simrill
G. M. Smith	G. R. Smith	Sottile
Spires	Stavrinakis	Tallon
Taylor	Weeks	West
Wetmore	Wheeler	Whitmire
S. Williams		

WEDNESDAY, SEPTEMBER 23, 2020

Total--82

The following named Representatives voted for Louis B. Lynn:

Alexander	Allison	Anderson
Atkinson	Bales	Ballentine
Bannister	Bennett	Bernstein
Bradley	Brawley	Brown
Calhoon	Caskey	Clary
Cobb-Hunter	Cogswell	Collins
W. Cox	Crawford	Dillard
Elliott	Erickson	Felder
Finlay	Forrest	Forrester
Fry	Funderburk	Garvin
Gilliard	Govan	Hardee
Henderson-Myers	Henegan	Hewitt
Hiott	Hixon	Howard
Huggins	Hyde	Jefferson
Johnson	Jordan	King
Kirby	Lucas	Mack
Matthews	McDaniel	McGinnis
McKnight	Moore	D. C. Moss
Murphy	W. Newton	Norrell
Ott	Parks	Pendarvis
Ridgeway	Robinson	Rose
Rutherford	Sandifer	Simrill
G. M. Smith	Sottile	Spires
Stavrinakis	Tallon	Taylor
Thigpen	Weeks	West
Wetmore	Wheeler	Whitmire
R. Williams	S. Williams	Willis

Total--81

The following named Representatives voted for Robert L. Peeler:

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brawley	Brown	Bryant
Calhoon	Caskey	Clary
Clyburn	Cobb-Hunter	Collins

WEDNESDAY, SEPTEMBER 23, 2020

B. Cox	W. Cox	Crawford
Daning	Davis	Dillard
Elliott	Erickson	Felder
Finlay	Forrester	Fry
Funderburk	Gagnon	Garvin
Gilliam	Gilliard	Govan
Hardee	Henderson-Myers	Henegan
Herbkersman	Hewitt	Hiott
Hixon	Howard	Huggins
Hyde	Jefferson	Johnson
Jordan	King	Kirby
Ligon	Lowe	Lucas
Mack	Matthews	McDaniel
McGinnis	McKnight	Morgan
D. C. Moss	V. S. Moss	Murphy
W. Newton	Norrell	Oremus
Ott	Parks	Pope
Ridgeway	Rivers	Robinson
Rose	Rutherford	Sandifer
Simrill	G. M. Smith	G. R. Smith
Sottile	Spires	Stavrinakis
Tallon	Taylor	Thayer
Thigpen	Toole	Weeks
West	Wetmore	Wheeler
Whitmire	S. Williams	Willis
Wooten		

Total--97

The following named Representatives voted for John W. Pettigrew Jr.:

Bailey	Bennett	Blackwell
Bryant	Burns	Caskey
Chumley	Clyburn	Cogswell
B. Cox	Daning	Davis
Finlay	Forrest	Gagnon
Gilliam	Haddon	Herbkersman
Hill	Hosey	Jones
Kimmons	King	Ligon
Long	Lowe	Magnuson
Martin	McCravy	Morgan
D. C. Moss	V. S. Moss	Oremus

WEDNESDAY, SEPTEMBER 23, 2020

Parks	Pope	Rivers
G. R. Smith	Stringer	Thayer
Thigpen	Toole	Trantham
R. Williams	Willis	Wooten

Total--45

RECAPITULATION

Total number of Senators voting	40
Total number of Representatives voting.....	<u>115</u>
Grand Total.....	155
Necessary to a choice	78
Of which Ronald D. Lee received	118
Of which Louis B.Lynn received	117
Of which Robert L. Peeler received	135
Of which John W. Pettigrew, Jr. received	50

Whereupon, the PRESIDENT announced that the Honorable Ronald D. Lee, the Honorable Louis B. Lynn, the Honorable Robert L. Peeler were elected to a position on the Board of Trustees for Clemson University, at-large for the term to expire June 30, 2024.

Election to the Board of Trustees for

Coastal Carolina University, 5th Congressional District, Seat 5

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Coastal Carolina University, 5th Congressional District, Seat 5.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Lisa Mabry Davis had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Lisa Mabry Davis was elected to a position on the Board of Trustees for Coastal Carolina University, 5th Congressional District, Seat 5 for a term to expire June 30, 2023.

WEDNESDAY, SEPTEMBER 23, 2020

**Election to the Board of Trustees for the
College of Charleston, 1st Congressional District, Seat 2**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the College of Charleston, 1st Congressional District, Seat 2.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that L. Cherry Daniel and Andrew A. Gianoukos had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the name of L. Cherry Daniel was withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Andrew A. Gianoukos was elected to a position on the Board of Trustees for the College of Charleston, 1st Congressional District, Seat 2 for the term to expire June 30, 2024.

**Election to the Board of Trustees for the
College of Charleston, 2nd Congressional District, Seat 4**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the College of Charleston, 2nd Congressional District, Seat 4.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Isabelle N. Mandell and Brian J. Stern had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the name of Isabelle N. Mandell was withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Brian J. Stern was elected to a position on the Board of Trustees for the College of Charleston, 2nd Congressional District, Seat 4 for the term to expire June 30, 2024.

WEDNESDAY, SEPTEMBER 23, 2020

**Election to the Board of Trustees for the
College of Charleston, 3rd Congressional District, Seat 6**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the College of Charleston, 3rd Congressional District, Seat 6.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Craig C. Thornton had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Craig C. Thornton was elected to a position on the Board of Trustees for the College of Charleston, 3rd Congressional District, Seat 6 for the term to expire June 30, 2024.

**Election to the Board of Trustees for the
College of Charleston, 4th Congressional District, Seat 8**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the College of Charleston, 4th Congressional District, Seat 8.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Renee B. Romberger had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Renee B. Romberger was elected to a position on the Board of Trustees for the College of Charleston, 4th Congressional District, Seat 8 for the term to expire June 30, 2024.

**Election to the Board of Trustees for the
College of Charleston, 5th Congressional District, Seat 10**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the College of Charleston, 5th Congressional District, Seat 10.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that R.

WEDNESDAY, SEPTEMBER 23, 2020

McLaurin Burch III had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable R. McLaurin Burch III was elected to a position on the Board of Trustees for the College of Charleston, 5th Congressional District, Seat 10 for the term to expire June 30, 2024.

Election to the Board of Trustees for the College of Charleston, 6th Congressional District, Seat 12

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the College of Charleston, 6th Congressional District, Seat 12.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Randy E. Adkins Jr. and Ricci L. Welch had been screened and found qualified to serve and placed their names in nomination.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Randy E. Adkins, Jr.:
Cash

Total--1

The following named Senators voted for Ricci L. Welch:

Alexander	Allen	Campbell
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Loftis	Malloy	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Senn	Setzler
Sheheen	Talley	Turner
Williams	Young	

WEDNESDAY, SEPTEMBER 23, 2020

Total--38

On the motion of Rep. Hiott, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Randy E. Adkins, Jr.:

Alexander	Anderson	Bales
Blackwell	Brawley	Brown
Clyburn	Crawford	Daning
Garvin	Govan	Haddon
Henderson-Myers	Henegan	Hosey
Jefferson	King	Magnuson
Matthews	McDaniel	McGinnis
McKnight	Moore	Morgan
D. C. Moss	Oremus	Pendarvis
Rivers	Robinson	Rose
Rutherford	G. R. Smith	Spires
Stringer	Thigpen	Trantham
Wetmore	R. Williams	S. Williams

Total--39

The following named Representatives voted for Ricci L. Welch:

Allison	Atkinson	Bailey
Ballentine	Bannister	Bennett
Bernstein	Bradley	Bryant
Burns	Calhoon	Caskey
Chumley	Clary	Collins
B. Cox	W. Cox	Davis
Dillard	Elliott	Erickson
Felder	Finlay	Forrest
Forrester	Funderburk	Gagnon
Gilliam	Gilliard	Hardee
Herbkersman	Hewitt	Hiott
Hixon	Huggins	Hyde
Johnson	Jordan	Kimmons
Kirby	Ligon	Long
Lowe	Lucas	Mack
Martin	McCravy	V. S. Moss
Murphy	W. Newton	Norrell
Ott	Parks	Pope

WEDNESDAY, SEPTEMBER 23, 2020

Ridgeway	Sandifer	Simrill
G. M. Smith	Sottile	Stavrinakis
Tallon	Taylor	Thayer
Toole	Weeks	West
Wheeler	Whitmire	Willis
Wooten		

Total--70

RECAPITULATION

Total number of Senators voting	39
Total number of Representatives voting.....	<u>109</u>
Grand Total.....	148
Necessary to a choice	75
Of which Randy E. Adkins, Jr. received	40
Of which Ricci L. Welch received	108

Whereupon, the PRESIDENT announced that the Honorable Ricci L. Welch was elected to a position on the Board of Trustees for the College of Charleston, 6th Congressional District, Seat 12 for the term to expire June 30, 2024.

**Election to the Board of Trustees for the
College of Charleston, 7th Congressional District, Seat 14**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the College of Charleston, 7th Congressional District, Seat 14.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Penny S. Rosner had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Penny S. Rosner was elected to a position on the Board of Trustees for the College of Charleston, 7th Congressional District, Seat 14 for the term to expire June 30, 2024.

WEDNESDAY, SEPTEMBER 23, 2020

**Election to the Board of Trustees for the
College of Charleston, At-Large, Seat 16**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the College of Charleston, at-large, Seat 16.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that David M. Hay and Roy D. Neal had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the name of Roy D. Neal was withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable David M. Hay was elected to a position on the Board of Trustees for the College of Charleston, at-large, Seat 16 for the term to expire June 30, 2024.

**Election to the Board of Trustees for
Francis Marion University, 2nd Congressional District, Seat 2**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Francis Marion University, 2nd Congressional District, Seat 2.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Benjamin I. Duncan II had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Benjamin I. Duncan II was elected to a position on the Board of Trustees for the Francis Marion University, 2nd Congressional District, Seat 2 for a term to expire June 30, 2024.

WEDNESDAY, SEPTEMBER 23, 2020

Election to the Board of Trustees for

Francis Marion University, 3rd Congressional District, Seat 3

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Francis Marion University, 3rd Congressional District, Seat 3.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that R. Tracey Freeman had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable R. Tracey Freeman was elected to a position on the Board of Trustees for the Francis Marion University, 3rd Congressional District, Seat 3 for the term to expire June 30, 2024.

Election to the Board of Trustees for

Francis Marion University, 4th Congressional District, Seat 4

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Francis Marion University, 4th Congressional District, Seat 4.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Benny J. “Jody” Bryson had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Benny J. “Jody” Bryson was elected to a position on the Board of Trustees for the Francis Marion University, 4th Congressional District, Seat 4 for the term to expire June 30, 2024.

Election to the Board of Trustees for

Francis Marion University, 7th Congressional District, Seat 7

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Francis Marion University, 7th Congressional District, Seat 7.

Representative Whitmire, Chairman of the Committee Screen Candidates for State Colleges and Universities, indicated that George C.

WEDNESDAY, SEPTEMBER 23, 2020

McIntyre had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable George C. McIntyre was elected to a position on the Board of Trustees for Francis Marion University, 7th Congressional District, Seat 7 for the term to expire June 30, 2024.

Election to the Board of Trustees for Francis Marion University, At-Large Position, Seat 9

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Francis Marion University, at-large position, Seat 9.

Representative Whitmire, Chairman of the Committee Screen Candidates for State Colleges and Universities, indicated that Karen A. Leatherman had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Karen A. Leatherman was elected to a position on the Board of Trustees for Francis Marion University, at-large position, Seat 9 for a term to expire June 30, 2024.

Election to the Board of Trustees for Francis Marion University, At-Large Position, Seat 11

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Francis Marion University, at-large position, Seat 11.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that H. Randall Dozier had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable H. Randall Dozier was elected to a position on the Board of Trustees for

WEDNESDAY, SEPTEMBER 23, 2020

Francis Marion University, at-large position, Seat 11 for a term to expire June 30, 2024.

**Election to the Board of Trustees for
Francis Marion University, At-Large Position, Seat 13**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Francis Marion University, at-large position, Seat 13.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Patricia C. Hartung had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Patricia C. Hartung was elected to a position on the Board of Trustees for Francis Marion University, at-large position, Seat 13 for a term to expire June 30, 2022.

**Election to the Board of Trustees for
Francis Marion University, At-Large Position, Seat 15**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Francis Marion University, at-large position, Seat 15.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that William W. Coleman had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable William W. Coleman was elected to a position on the Board of Trustees for Francis Marion University, at-large position, Seat 15 for a term to expire June 30, 2024.

WEDNESDAY, SEPTEMBER 23, 2020

**Election to the Board of Trustees for
Lander University, 1st Congressional District**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Lander University, 1st Congressional District.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Cary C. Corbitt had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Cary C. Corbitt was elected to a position on the Board of Trustees for Lander University, 1st Congressional District for a term to expire June 30, 2024.

**Election to the Board of Trustees for
Lander University, 2nd Congressional District**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Lander University, 2nd Congressional District.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Angela G. Strickland had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Angela G. Strickland was elected to a position on the Board of Trustees for Lander University, 2nd Congressional District for a term to expire June 30, 2024.

**Election to the Board of Trustees for
Lander University, 3rd Congressional District**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Lander University, 3rd Congressional District.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Linda L.

WEDNESDAY, SEPTEMBER 23, 2020

Dolny had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Linda L. Dolny was elected to a position on the Board of Trustees for Lander University, 3rd Congressional District for a term to expire June 30, 2024.

**Election to the Board of Trustees for
Lander University, 4th Congressional District**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Lander University, 4th Congressional District.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Terry O. Pruitt and James C. Shubert had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the name of James C. Shubert was withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Terry O. Pruitt was elected to a position on the Board of Trustees for Lander University, 4th Congressional District, for a term to expire June 30, 2024.

**Election to the Board of Trustees for
Lander University, 5th Congressional District**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Lander University, 5th Congressional District.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated S. Anne Walker had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

WEDNESDAY, SEPTEMBER 23, 2020

Whereupon, the PRESIDENT announced that the Honorable S. Anne Walker was elected to a position on the Board of Trustees for Lander University, 5th Congressional District for a term to expire June 30, 2024.

**Election to the Board of Trustees for
Lander University, 6th Congressional District**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Lander University, 6th Congressional District.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated Robert F. Sabalis had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Robert F. Sabalis was elected to a position on the Board of Trustees for Lander University, 6th Congressional District for a term to expire June 30, 2024.

**Election to the Board of Trustees for
Lander University, 7th Congressional District**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Lander University, Congressional District.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated Catherine K. Lee had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Catherine K. Lee was elected to a position on the Board of Trustees for Lander University, 7th Congressional District for a term to expire June 30, 2024.

WEDNESDAY, SEPTEMBER 23, 2020

**Election to the Board of Trustees for
the Medical University of South Carolina
1st Congressional District, Nonmedical Seat**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the Medical University of South Carolina, 1st Congressional District, Nonmedical Seat.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Michael E. Stavrinakis had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Michael E. Stavrinakis was elected to a position on the Board of Trustees for the Medical University of South Carolina, 1st Congressional District, Nonmedical Seat for a term to expire June 30, 2024.

**Election to the Board of Trustees for
the Medical University of South Carolina
2nd Congressional District, Nonmedical Seat**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the Medical University of South Carolina, 2nd Congressional District, Nonmedical Seat.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that William H. Bingham had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable William H. Bingham was elected to a position on the Board of Trustees for the Medical University of South Carolina, 2nd Congressional District, Nonmedical Seat for a term to expire June 30, 2024.

WEDNESDAY, SEPTEMBER 23, 2020

**Election to the Board of Trustees for
the Medical University of South Carolina
3rd Congressional District, Nonmedical Seat**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the Medical University of South Carolina, 3rd Congressional District, Nonmedical Seat.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Charles W. Schulze had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Charles W. Schulze was elected to a position on the Board of Trustees for the Medical University of South Carolina, 3rd Congressional District, Nonmedical Seat for a term to expire June 30, 2024.

**Election to the Board of Trustees for
the Medical University of South Carolina
4th Congressional District, Medical Seat**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the Medical University of South Carolina, 4th Congressional District, Medical Seat.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that H. Frederick Butehorn III had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable H. Frederick Butehorn III was elected to a position on the Board of Trustees for the Medical University of South Carolina, 4th Congressional District, Medical Seat for a term to expire June 30, 2024.

WEDNESDAY, SEPTEMBER 23, 2020

**Election to the Board of Trustees for
the Medical University of South Carolina
5th Congressional District, Medical Seat**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the Medical University of South Carolina, 5th Congressional District, Medical Seat.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that G. Murrell Smith, Sr. had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable G. Murrell Smith, Sr. was elected to a position on the Board of Trustees for the Medical University of South Carolina, 5th Congressional District, Medical Seat for a term to expire June 30, 2024.

**Election to the Board of Trustees for
the Medical University of South Carolina
6th Congressional District, Nonmedical Seat**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the Medical University of South Carolina, 6th Congressional District, Nonmedical Seat.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Barbara Johnson-Williams had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Barbara Johnson-Williams was elected to a position on the Board of Trustees for the Medical University of South Carolina, 6th Congressional District, Nonmedical Seat for a term to expire June 30, 2024.

WEDNESDAY, SEPTEMBER 23, 2020

**Election to the Board of Trustees for
the Medical University of South Carolina
7th Congressional District, Medical Seat**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the Medical University of South Carolina, 7th Congressional District, Medical Seat.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Paul T. Davis had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Paul T. Davis was elected to a position on the Board of Trustees for the Medical University of South Carolina, 7th Congressional District, Medical Seat for a term to expire June 30, 2024.

**Election to the Board of Trustees for
S.C. State University, 2nd Congressional District, Seat 2**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for S.C. State University, 2nd Congressional District, Seat 2.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Douglas D. Gantt and Macie P. Smith had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the name of Macie P. Smith was withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Douglas D. Gantt was elected to a position on the Board of Trustees for S.C. State University, 2nd Congressional District, Seat 2 for a term to expire June 30, 2024.

WEDNESDAY, SEPTEMBER 23, 2020

**Election to the Board of Trustees for
S.C. State University, 4th Congressional District, Seat 4**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for S.C. State University, 4th Congressional District, Seat 4.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Jameel Allen Sr. had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Jameel Allen Sr. was elected to a position on the Board of Trustees for S.C. State University, 4th Congressional District, Seat 4 for a term to expire June 30, 2024.

**Election to the Board of Trustees for
S.C. State University, 6th Congressional District, Seat 6**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for S.C. State University, 6th Congressional District, Seat 6.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Wilbur B. Shuler had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Wilbur B. Shuler was elected to a position on the Board of Trustees for S.C. State University, 6th Congressional District, Seat 6 for a term to expire June 30, 2024.

**Election to the Board of Trustees for
S.C. State University, At-Large, Seat 8**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for S.C. State University, at-large, Seat 8.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Lauvetta

WEDNESDAY, SEPTEMBER 23, 2020

Roseboro Dicks and Doward Keith Harvin had been screened and found qualified to serve and placed their names in nomination.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Louvetta Roseboro Dicks:

Alexander	Cash	Climer
Corbin	Fanning	Gambrell
Goldfinch	Gregory	Harpootlian
Hembree	Loftis	Peeler
Rice	Talley	Turner

Total--15

The following named Senators voted for Doward Keith Harvin:

Allen	Campbell	Campsen
Cromer	Grooms	Hutto
Jackson	Johnson	Malloy
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Rankin	Reese	Sabb
Setzler	Sheheen	Williams
Young		

Total--22

On the motion of Rep. Hiott, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Louvetta Roseboro Dicks:

Allison	Bailey	Bales
Ballentine	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brawley	Bryant	Burns
Calhoon	Caskey	Chumley
Clary	Cobb-Hunter	Collins
B. Cox	Crawford	Daning
Dillard	Elliott	Erickson
Felder	Finlay	Forrest
Forrester	Gagnon	Garvin

WEDNESDAY, SEPTEMBER 23, 2020

Gilliam	Haddon	Hardee
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hiott	Hixon
Howard	Huggins	Hyde
Johnson	Kimmons	King
Ligon	Long	Lucas
Magnuson	Martin	McDaniel
McGinnis	Moore	Morgan
D. C. Moss	V. S. Moss	Murphy
W. Newton	Norrell	Oremus
Ott	Parks	Pope
Robinson	Rose	Rutherford
Simrill	G. R. Smith	Spires
Stavrinakis	Stringer	Tallon
Taylor	Toole	Trantham
West	Wetmore	Whitmire
S. Williams	Willis	Wooten

Total--81

The following named Representatives voted for Doward Keith

Harvin:

Anderson	Atkinson	Brown
Clyburn	Davis	Funderburk
Gilliard	Govan	Hosey
Jefferson	Jordan	Kirby
Lowe	Mack	Matthews
McCravy	McKnight	Pendarvis
Ridgeway	Rivers	G. M. Smith
Sottile	Thigpen	Weeks
Wheeler	R. Williams	

Total--26

RECAPITULATION

Total number of Senators voting	37
Total number of Representatives voting.....	<u>107</u>
Grand Total.....	144
Necessary to a choice	73
Of which Louvetta Roseboro Dicks received	96

WEDNESDAY, SEPTEMBER 23, 2020

Of which Doward Keith Harvin received 48

Whereupon, the PRESIDENT announced that the Honorable Lauvetta Roseboro Dicks was elected to a position on the Board of Trustees for S.C. State University, at-large, Seat 8 for a term to expire June 30, 2024.

**Election to the Board of Trustees for
S.C. State University, At-Large, Seat 12**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for S.C. State University, at-large, Seat 12.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Ronald D. Friday had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Ronald D. Friday was elected to a position on the Board of Trustees for S.C. State University, at-large, Seat 12 for a term to expire June 30, 2024.

**Election to the Board of Trustees for the
University of South Carolina, 2nd Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 2nd Judicial Circuit.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Miles A. Loadholt had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Miles A. Loadholt was elected to a position on the Board of Trustees for the University of South Carolina, 2nd Judicial Circuit for a term to expire June 30, 2024.

WEDNESDAY, SEPTEMBER 23, 2020

**Election to the Board of Trustees for the
University of South Carolina, 4th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 4th Judicial Circuit.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Eugene P. Warr, Jr. and James C. Williamson had been screened and found qualified to serve and placed their names in nomination.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Eugene P. Warr, Jr.:

Alexander	Allen	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Loftis	Malloy	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Setzler	Talley
Turner	Williams	Young

Total--36

The following named Senators voted for James C. Williamson:
Sheheen

Total--1

On the motion of Rep. Hiott, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Eugene P. Warr, Jr.:

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bannister	Bennett
Bernstein	Blackwell	Bradley

WEDNESDAY, SEPTEMBER 23, 2020

Brawley	Brown	Bryant
Burns	Calhoon	Caskey
Clary	Clyburn	Cobb-Hunter
Collins	B. Cox	W. Cox
Crawford	Daning	Davis
Dillard	Elliott	Erickson
Felder	Finlay	Forrest
Forrester	Fry	Funderburk
Garvin	Gilliam	Gilliard
Govan	Haddon	Hardee
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hill	Hiott
Hixon	Hosey	Howard
Huggins	Hyde	Jefferson
Johnson	Jones	Jordan
Kimmons	King	Kirby
Long	Lowe	Lucas
Mack	Magnuson	Martin
Matthews	McCravy	McDaniel
McGinnis	McKnight	Morgan
D. C. Moss	V. S. Moss	Murphy
W. Newton	Norrell	Oremus
Ott	Parks	Pope
Ridgeway	Rivers	Robinson
Rose	Rutherford	Sandifer
Simrill	G. M. Smith	G. R. Smith
Sottile	Spires	Stavrinakis
Stringer	Tallon	Taylor
Thayer	Thigpen	Toole
Trantham	Weeks	West
Wetmore	Wheeler	Whitmire
R. Williams	S. Williams	Willis
Wooten		

Total--109

The following named Representatives voted for James C. Williamson:

Total--0

WEDNESDAY, SEPTEMBER 23, 2020

RECAPITULATION

Total number of Senators voting	37
Total number of Representatives voting.....	<u>109</u>
Grand Total.....	146
Necessary to a choice	74
Of which Eugene P. Warr, Jr received	145
Of which James C. Williamson received	1

Whereupon, the PRESIDENT announced that the Honorable Eugene P. Warr, Jr. was elected to a position on the Board of Trustees for the University of South Carolina, 4th Judicial Circuit for a term to expire June 30, 2024.

Recorded Vote

Senator HARPOOTLIAN desired to be recorded as voting “No”.

**Election to the Board of Trustees for the
University of South Carolina, 6th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 6th Judicial Circuit.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Hubert F. “Hugh” Mobley and Spiro G. Poulos had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the name of Spiro G. Poulos was withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Hubert F. “Hugh” Mobley was elected to a position on the Board of Trustees for the University of South Carolina, 6th Judicial Circuit for a term to expire June 30, 2022.

WEDNESDAY, SEPTEMBER 23, 2020

**Election to the Board of Trustees for the
University of South Carolina, 8th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 8th Judicial Circuit.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Alva C. “Bubba” Fennell III and Brian C. Harlan had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the name of Alva C. “Bubba” Fennell III was withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Brian C. Harlan was elected to a position on the Board of Trustees for the University of South Carolina, 8th Judicial Circuit for a term to expire June 30, 2024.

**Election to the Board of Trustees for the
University of South Carolina, 10th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 10th Judicial Circuit.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Donald L. “Chuck” Allen, Emma W. Morris, Phillip D. Owens and Blair L. Stoudemire had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the names of Phillip D. Owens, Donald L. “Chuck” Allen and Blair L. Stoudemire were withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Emma W. Morris was elected to a position on the Board of Trustees for the University of South Carolina, 10th Judicial Circuit for a term to expire June 30, 2024.

WEDNESDAY, SEPTEMBER 23, 2020

**Election to the Board of Trustees for the
University of South Carolina, 14th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 14th Judicial Circuit.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Rose B. Newton had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Rose B. Newton was elected to a position on the Board of Trustees for the University of South Carolina, 14th Judicial Circuit for a term to expire June 30, 2024.

**Election to the Board of Trustees for the
University of South Carolina, 15th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 15th Judicial Circuit.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that J. Egerton Burroughs, L. Morgan Martin, R. Scott Plyer and Jasper N. Ramsey, Jr. had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the names of L. Morgan Martin and R. Scott Plyer were withdrawn from consideration.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for J. Egerton Burroughs:

Alexander	Allen	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Jackson	Johnson	Loftis
Malloy	Massey	<i>Matthews, John</i>

WEDNESDAY, SEPTEMBER 23, 2020

<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Talley
Turner	Williams	Young

Total--33

The following named Senators voted for Jasper N. Ramsey, Jr.:

Total--0

On the motion of Rep. Hiott, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for J. Egerton Burroughs:

Allison	Anderson	Atkinson
Bailey	Bales	Ballentine
Bannister	Bennett	Blackwell
Bradley	Bryant	Burns
Calhoon	Clyburn	Collins
B. Cox	W. Cox	Crawford
Daning	Davis	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Fry
Gagnon	Gilliam	Govan
Haddon	Hardee	Henderson-Myers
Herbkersman	Hewitt	Hill
Hiott	Hixon	Hosey
Huggins	Hyde	Jefferson
Johnson	Jones	Jordan
Kimmons	Ligon	Long
Lowe	Lucas	Magnuson
Martin	McCravy	McGinnis
McKnight	Morgan	D. C. Moss
V. S. Moss	Murphy	W. Newton
Oremus	Pope	Ridgeway
Rivers	Sandifer	Simrill
G. M. Smith	G. R. Smith	Sottile
Spires	Stringer	Tallon
Taylor	Thayer	Trantham
West	Wheeler	Whitmire

WEDNESDAY, SEPTEMBER 23, 2020

R. Williams	S. Williams	Willis
Wooten		

Total--82

The following named Representatives voted against J. Egerton

Burroughs:

Bernstein	Brawley	Brown
Clary	Cobb-Hunter	Garvin
Gilliard	Henegan	Howard
King	Mack	McDaniel
Norrell	Ott	Robinson
Rose	Rutherford	Stavrinakis
Thigpen	Weeks	Wetmore

Total--21

The following named Representatives voted for Jasper N. Ramsey, Jr.:

Garvin	King	Robinson
Rose	Rutherford	

Total--5

RECAPITULATION

Total number of Senators voting	33
Total number of Representatives voting.....	<u>108</u>
Grand Total.....	141
Necessary to a choice	61
Of which J. Egerton Burroughs received	115
Of which Jasper N. Ramsey, Jr. received	5

Whereupon, the PRESIDENT announced that the Honorable J. Egerton Burroughs, was elected to a position on the Board of Trustees for the University of South Carolina, 15th Judicial Circuit for a term to expire June 30, 2024.

Recorded Vote

Senators HARPOOTLIAN, HUTTO, SABB and SHEHEEN desired to be recorded as voting “No”.

WEDNESDAY, SEPTEMBER 23, 2020

**Election to the Board of Trustees for the
University of South Carolina, 16th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 16th Judicial Circuit.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Leah B. Moody had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Leah B. Moody was elected to a position on the Board of Trustees for the University of South Carolina, 16th Judicial Circuit for a term to expire June 30, 2024.

**Election to the Board of Trustees for
Winthrop University, 2nd Judicial Circuit, Seat 2**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Winthrop University, 2nd Judicial Circuit, Seat 2.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that John E. Brazell had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable John E. Brazell was elected to a position on the Board of Trustees for Winthrop University, 2nd Judicial Circuit, Seat 2 for a term to expire June 30, 2026.

**Election to the Board of Trustees for
Winthrop University, 6th Judicial Circuit, Seat 6**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Winthrop University, 6th Judicial Circuit, Seat 6.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Ashlye V.

WEDNESDAY, SEPTEMBER 23, 2020

Wilkerson had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Ashlye V. Wilkerson was elected to a position on the Board of Trustees for Winthrop University, 6th Judicial Circuit, Seat 6 for a term to expire June 30, 2026.

**Election to the Board of Trustees for
Winthrop University, At-Large, Seat 9**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Winthrop University, at-large, Seat 9.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that J. Randall Imler had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable J. Randall Imler was elected to a position on the Board of Trustees for Winthrop University, at-large, Seat 9 for a term to expire June 30, 2026.

**Election to the Board of Trustees for
Wil Lou Gray Opportunity School
Three At-Large Seats**

The PRESIDENT announced that nominations were in order to elect a successor to positions on the Board of Trustees for Wil Lou Gray Opportunity School, three at-large seats.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Doris M. Adams, Bryan B. England, Kimberly L. Suber and Reginald J. Thomas had been screened and found qualified to serve and placed their names in nomination.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Doris M. Adams:

Alexander Allen Campbell

WEDNESDAY, SEPTEMBER 23, 2020

Campsen	Corbin	Cromer
Fanning	Gambrell	Goldfinch
Grooms	Harpootlian	Hembree
Jackson	Johnson	Loftis
Malloy	McElveen	McLeod
Peeler	Rankin	Reese
Rice	Sabb	Setzler
Turner	Williams	Young

Total--27

The following named Senators voted for Bryan B. England:

Alexander	Campbell	Campsen
Corbin	Cromer	Gambrell
Goldfinch	Grooms	Hembree
Hutto	Loftis	<i>Matthews, Margie</i>
McElveen	Nicholson	Peeler
Rankin	Rice	Sabb
Setzler	Turner	Young

Total--21

The following named Senators voted for Kimberly L. Suber:

Allen	Cromer	Fanning
Goldfinch	Harpootlian	Hutto
Jackson	Johnson	Malloy
<i>Matthews, Margie</i>	McLeod	Nicholson
Peeler	Rankin	Reese
Sabb	Williams	

Total--17

The following named Senators voted for Reginald J. Thomas:

Alexander	Allen	Campbell
Campsen	Corbin	Fanning
Gambrell	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Loftis	Malloy
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Reese	Rice
Setzler	Turner	Williams

WEDNESDAY, SEPTEMBER 23, 2020

Young

Total--25

The following named Senators voted present:

Davis Massey

Total--2

On the motion of Rep. Hiott, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Doris M. Adams:

Allison	Anderson	Atkinson
Bailey	Bales	Bannister
Bennett	Blackwell	Bradley
Brawley	Bryant	Burns
Calhoon	Caskey	Chumley
Clary	Collins	Daning
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Gagnon
Haddon	Hardee	Hewitt
Hixon	Huggins	Jefferson
Johnson	Jordan	Kimmons
Kirby	Ligon	Long
Lowe	Lucas	Martin
Matthews	McCravy	McKnight
D. C. Moss	V. S. Moss	Murphy
W. Newton	Oremus	Ott
Pope	Ridgeway	Rose
Sandifer	Simrill	G. R. Smith
Sottile	Spires	Stringer
Tallon	Taylor	Thayer
Thigpen	Trantham	West
Wetmore	Whitmire	R. Williams
Willis	Wooten	

Total--71

WEDNESDAY, SEPTEMBER 23, 2020

The following named Representatives voted for Bryan B. England:

Allison	Anderson	Atkinson
Bailey	Bales	Bannister
Bennett	Blackwell	Bradley
Bryant	Burns	Caskey
Chumley	Collins	B. Cox
Crawford	Daning	Davis
Erickson	Felder	Forrest
Forrester	Fry	Gagnon
Hardee	Hewitt	Hixon
Jordan	Kimmons	Kirby
Ligon	Long	Lowe
Lucas	Martin	McDaniel
McGinnis	Morgan	D. C. Moss
V. S. Moss	Murphy	W. Newton
Oremus	Ott	Pope
Sandifer	Simrill	G. R. Smith
Sottile	Stringer	Tallon
Taylor	Thayer	Trantham
West	Whitmire	R. Williams

Total--57

The following named Representatives voted for Kimberly L. Suber:

Anderson	Atkinson	Bales
Ballentine	Bernstein	Brawley
Brown	Burns	Calhoon
Clary	Clyburn	Cobb-Hunter
B. Cox	W. Cox	Crawford
Dillard	Elliott	Finlay
Fry	Funderburk	Garvin
Gilliam	Gilliard	Govan
Haddon	Henderson-Myers	Henegan
Herbkersman	Hosey	Howard
Huggins	Hyde	Jefferson
Johnson	Kimmons	King
Kirby	Mack	Matthews
McCravy	McDaniel	McKnight
Moore	Morgan	Norrell
Ott	Parks	Pendarvis
Ridgeway	Rivers	Robinson

WEDNESDAY, SEPTEMBER 23, 2020

Rose	Rutherford	G. M. Smith
Spires	Stavrinakis	Thigpen
Trantham	Weeks	Wetmore
R. Williams	S. Williams	Willis
Wooten		

Total--64

The following named Representatives voted for Reginald J. Thomas:

Allison	Bailey	Bannister
Bennett	Blackwell	Bradley
Brawley	Bryant	Calhoon
Caskey	Chumley	Clary
Collins	B. Cox	Daning
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Gagnon
Haddon	Hardee	Henderson-Myers
Hewitt	Hixon	Huggins
Jefferson	Jordan	Ligon
Long	Lowe	Lucas
Martin	Matthews	McCravy
McDaniel	McKnight	Morgan
D. C. Moss	V. S. Moss	Murphy
W. Newton	Oremus	Pendarvis
Pope	Ridgeway	Rose
Sandifer	Simrill	G. R. Smith
Sottile	Spires	Stringer
Tallon	Taylor	Thayer
Thigpen	West	Wetmore
Whitmire	Willis	Wooten

Total--66

RECAPITULATION

Total number of Senators voting	30
Total number of Representatives voting.....	<u>107</u>
Grand Total.....	137
Necessary to a choice	69
Of which Doris M. Adams received	98

WEDNESDAY, SEPTEMBER 23, 2020

Of which Bryan B. England received	78
Of which Kimberly L. Suber received	81
Of which Reginald J. Thomas received	91

Whereupon, the PRESIDENT announced that the Honorable Doris M. Adams, the Honorable Kimberly L. Suber and the Honorable Reginald J. Thomas were elected to the positions on the Board of Trustees for Wil Lou Gray Opportunity School, three at-large seats for the term to expire June 30, 2024.

Immediately following the Joint Assembly called for the Election of College and University Boards of Trustees, the PRESIDENT announced that the Joint Assembly would proceed to the Election to the Public Service Commission.

Election to the Public Service Commission, Seat 1

The PRESIDENT announced that nominations were in order to elect a successor to fill the position on the Public Service Commission, Seat 1.

Senator ALEXANDER, Chairman of the Screening Committee, indicated that John C. Dulude, William R. Sloger, Jr. and Carolyn “Carolee” Williams had been screened and found qualified to serve and placed their names in nomination.

On motion of Senator ALEXANDER the names of John C. Dulude, William R. Sloger, Jr. were withdrawn from consideration.

Senator ALEXANDER moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Carolyn “Carolee” Williams was elected to the Public Service Commission, Seat 1 for the term to expire June 30, 2024.

Recorded Vote

Senator MARTIN desired to be recorded as voting “No.”

Election to the Public Service Commission, Seat 3

The PRESIDENT announced that nominations were in order to elect a successor to fill the position on the Public Service Commission, Seat 3.

Senator ALEXANDER, Chairman of the Screening Committee, indicated that Stephen “Mike” Caston, Willie J. Morgan and Comer H.

WEDNESDAY, SEPTEMBER 23, 2020

“Randy” Randall had been screened and found qualified to serve and placed their names in nomination.

On motion of Senator ALEXANDER the names of Willie J. Morgan and Comer H. “Randy” Randall were withdrawn from consideration.

Senator ALEXANDER moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Stephen “Mike” Caston was elected to the Public Service Commission, Seat 3 for the term to expire June 30, 2024.

Recorded Vote

Senator MARTIN desired to be recorded as voting “No.”

Election to the Public Service Commission, Seat 5

The PRESIDENT announced that nominations were in order to elect a successor to fill the position on the Public Service Commission, Seat 5.

Senator ALEXANDER, Chairman of the Screening Committee, indicated that Headen B. Thomas had been screened and found qualified to serve and placed his name in nomination.

Senator ALEXANDER moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Headen B. Thomas was elected to the Public Service Commission, Seat 5 for the term to expire June 30, 2024.

Recorded Vote

Senator MARTIN desired to be recorded as voting “No.”

Election to the Public Service Commission, Seat 7

The PRESIDENT announced that nominations were in order to elect a successor to fill the position on the Public Service Commission, Seat 7.

Senator ALEXANDER, Chairman of the Screening Committee, indicated that Clint A. Elliott, Thomas “Tee” Miller, Jr. and Delton W. Powers, Jr. had been screened and found qualified to serve and placed their names in nomination.

On motion of Senator ALEXANDER the names of Thomas “Tee” Miller, Jr. and Clint A. Elliott were withdrawn from consideration.

WEDNESDAY, SEPTEMBER 23, 2020

Senator ALEXANDER moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Delton W. Powers, Jr. was elected to the Public Service Commission, Seat 7 for the term to expire June 30, 2024.

Recorded Vote

Senator MARTIN desired to be recorded as voting “No.”

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

S. 993 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-555, SO AS TO PROVIDE FOR A PERMIT ALLOWING LICENSED WINERIES, BREWERIES, AND MICRO-DISTILLERIES TO SELL THEIR WINE, BEER, AND ALCOHOLIC LIQUORS AT FESTIVALS AND TO PROVIDE SAMPLES OF THESE PRODUCTS AT FESTIVALS; BY ADDING SECTION 61-4-721, SO AS TO PERMIT LICENSED WINERIES TO OBTAIN WINERY FESTIVAL PERMITS IN ACCORDANCE WITH SECTION 61-4-555; BY ADDING SECTION 61-4-970, SO AS TO PERMIT LICENSED BREWERIES TO OBTAIN BREWERY FESTIVAL PERMITS IN ACCORDANCE WITH SECTION 61-4-555; AND BY ADDING SECTION 61-6-1155, SO AS TO PERMIT LICENSED MICRO-DISTILLERIES TO OBTAIN MICRO-DISTILLERY FESTIVAL PERMITS IN ACCORDANCE WITH SECTION 61-4-555.

asks for a Committee of Conference, and has appointed Reps. McCrary, G.M. Smith and Stavrinakis to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

WEDNESDAY, SEPTEMBER 23, 2020

Having voted on the prevailing side, Senator TALLEY moved to reconsider the vote whereby the Senate nonconcurred in the House amendments.

The motion was adopted.

The question then was the concurrence in the House amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 2

AYES

Alexander	Allen	Campbell
Campsen	Cash	Climer
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Jackson	Johnson	Leatherman
Loftis	Malloy	Martin
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Sabb
Scott	Senn	Setzler
Sheheen	Talley	Turner
Williams	Young	

Total--38

NAYS

Corbin	Rice
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Total--2

On motion of Senator TALLEY, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

WEDNESDAY, SEPTEMBER 23, 2020

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

S. 207 -- Senator Young: A BILL TO AMEND SECTION 12-43-220(c)(2) OF THE 1976 CODE, RELATING TO PROGRAMS AND UNIFORM ASSESSMENT RATIOS FOR COUNTY EQUALIZATION AND REASSESSMENT, TO PROVIDE THAT AN OWNER ELIGIBLE FOR AND RECEIVING THE SPECIAL ASSESSMENT PURSUANT TO SECTION 12-43-220(c) WHO IS RESIDING AT A NURSING HOME RETAINS THE SPECIAL ASSESSMENT RATIO OF FOUR PERCENT FOR AS LONG AS THE OWNER REMAINS IN THE NURSING HOME.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

S. 545 -- Senator Alexander: A BILL TO AMEND SECTION 12-43-335(A) OF THE 1976 CODE, RELATING TO ASSESSING THE PROPERTY OF MERCHANTS AND OTHER RELATED BUSINESSES, TO REQUIRE THE DEPARTMENT OF REVENUE TO FOLLOW CERTAIN NORTH AMERICAN CLASSIFICATION SYSTEM MANUAL PROVISIONS; AND TO REPEAL SECTION 12-39-70 OF THE 1976 CODE, RELATING TO APPRAISING AND ASSESSING THE PERSONAL PROPERTY OF BUSINESSES UNDER THE JURISDICTION OF THE COUNTY AUDITOR.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

WEDNESDAY, SEPTEMBER 23, 2020

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3351 -- Reps. Jefferson, W. Newton, R. Williams and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 60-11-102 SO AS TO PROVIDE FOR THE DISPOSITION OF CERTAIN DUPLICATIVE MATERIAL IN THE POSSESSION OF THE DEPARTMENT OF ARCHIVES AND HISTORY TO ANOTHER PUBLIC OR NONPROFIT INSTITUTION BY GIFT OR SALE, TO PROVIDE FOR THE USE OF RESULTING PROCEEDS, AND TO PROVIDE ANNUAL REPORTING REQUIREMENTS; BY ADDING SECTION 60-11-103 SO AS TO PROVIDE FOR THE RETENTION AND USE BY THE DEPARTMENT OF ARCHIVES AND HISTORY OF CERTAIN PROCEEDS GENERATED BY ITS OPERATIONS; AND TO REPEAL SECTION 60-11-120 RELATING TO THE DISPOSITION OF CERTAIN DUPLICATIVE MATERIAL IN THE POSSESSION OF DEPARTMENT OF ARCHIVES AND HISTORY.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 4327 -- Reps. R. Williams, Jefferson, Ott, Magnuson, Chumley and Burns: A BILL TO AMEND SECTION 6-9-65, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INAPPLICABILITY OF CERTAIN BUILDING CODES ON FARM STRUCTURES, SO AS TO REVISE THE DEFINITION OF "FARM STRUCTURE" FOR PURPOSES OF THIS SECTION.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

WEDNESDAY, SEPTEMBER 23, 2020

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 4831 -- Reps. Hixon, Ligon, B. Newton, Forrest, R. Williams and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-15-15 SO AS TO PROHIBIT CERTAIN ACTIVITIES RELATED TO THIS STATE'S NATIVE REPTILE AND AMPHIBIAN SPECIES AND TO REQUIRE THE ESTABLISHMENT OF POSSESSION LIMITS; BY ADDING SECTION 50-15-55 SO AS TO PROHIBIT THE RELEASE OF NONNATIVE CAPTIVE WILDLIFE IN THIS STATE; TO AMEND SECTION 50-15-10, RELATING TO DEFINITIONS, SO AS TO DEFINE NEW TERMS AND EXPAND THE TERM "NONGAME SPECIES" TO INCLUDE ANIMAL PARTS, PRODUCTS, EGGS, AND OFFSPRING; TO AMEND SECTION 50-15-30, RELATING TO THE LISTING OF ENDANGERED SPECIES, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO CONDUCT THE REVIEW OF THE STATE LIST OF ENDANGERED SPECIES; TO AMEND SECTION 50-15-40, RELATING TO THE ESTABLISHMENT OF WILDLIFE MANAGEMENT PROGRAMS, SO AS TO AUTHORIZE THE DEPARTMENT TO ESTABLISH WILDLIFE MANAGEMENT PROGRAMS; TO AMEND SECTION 50-15-80, RELATING TO PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS, SO AS TO GRANT CONCURRENT JURISDICTION OVER THESE VIOLATIONS TO MAGISTRATES COURTS, TO INCREASE MONETARY PENALTIES, AND TO PROVIDE FOR THE REVOCATION OF PERMITS GRANTED TO A PERSON WHO VIOLATES CERTAIN PROVISIONS; AND TO AMEND SECTION 50-15-310, RELATING TO DEFINITIONS APPLICABLE TO THE SOUTH CAROLINA CAPTIVE ALLIGATOR PROPAGATION ACT, SO AS TO ALTER THE DEFINITIONS OF THE TERMS "ALLIGATOR PROPAGATION FACILITY" AND "COMMERCIAL PURPOSES".

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

WEDNESDAY, SEPTEMBER 23, 2020

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 5149 -- Reps. Forrest, Clyburn and Ott: A BILL TO AMEND SECTION 7-7-480, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SALUDA COUNTY, SO AS TO ELIMINATE FIVE VOTING PRECINCTS, AND TO UPDATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 217 -- Senators Kimpson, Campsen, Senn and Scott: A BILL TO AMEND SECTIONS 6-1-530, 6-1-730, AND 6-4-10 OF THE 1976 CODE, ALL RELATING TO THE EXPENDITURE OF THE STATE ACCOMMODATIONS TAX, LOCAL HOSPITALITY TAX, AND LOCAL ACCOMMODATIONS TAX, RESPECTIVELY, TO ALLOW THE REVENUE TO BE EXPENDED FOR THE CONTROL AND REPAIR OF FLOODING AND DRAINAGE AT TOURISM-RELATED LANDS OR AREAS.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator CAMPSSEN, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar,

WEDNESDAY, SEPTEMBER 23, 2020

proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

CONCURRENCE

S. 217 -- Senators Kimpson, Campsen, Senn and Scott: A BILL TO AMEND SECTIONS 6-1-530, 6-1-730, AND 6-4-10 OF THE 1976 CODE, ALL RELATING TO THE EXPENDITURE OF THE STATE ACCOMMODATIONS TAX, LOCAL HOSPITALITY TAX, AND LOCAL ACCOMMODATIONS TAX, RESPECTIVELY, TO ALLOW THE REVENUE TO BE EXPENDED FOR THE CONTROL AND REPAIR OF FLOODING AND DRAINAGE AT TOURISM-RELATED LANDS OR AREAS.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator CAMPSEN explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 1

AYES

Alexander	Allen	Campbell
Campsen	Cash	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Jackson
Johnson	Leatherman	Loftis
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Senn	Setzler
Sheheen	Talley	Turner
Williams	Young	

Total--38

NAYS

Hembree

WEDNESDAY, SEPTEMBER 23, 2020

Total--1

On motion of Senator CAMPSSEN, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 259 -- Senators Goldfinch, Campsen, Kimpson, Senn and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 61 TO TITLE 48 SO AS TO ENACT THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND ACT"; TO ESTABLISH THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND" TO PROVIDE LOW INTEREST LOANS TO PERFORM FLOODED-HOME BUYOUTS AND FLOODPLAIN RESTORATION, TO AUTHORIZE THE BANK TO UNDERTAKE CERTAIN ACTIONS IN ORDER TO PROPERLY FUNCTION, TO ESTABLISH CERTAIN CRITERIA FOR LOANS AND ELIGIBLE FUND RECIPIENTS, TO PROVIDE CERTAIN REQUIREMENTS FOR THE MONIES WITHIN THE FUND, TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO UNDERTAKE CERTAIN ACTIONS TO EFFECTIVELY OPERATE THE FUND.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator GOLDFINCH, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

WEDNESDAY, SEPTEMBER 23, 2020

NONCONCURRENCE

S. 259 -- Senators Goldfinch, Campsen, Kimpson, Senn and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 61 TO TITLE 48 SO AS TO ENACT THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND ACT"; TO ESTABLISH THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND" TO PROVIDE LOW INTEREST LOANS TO PERFORM FLOODED-HOME BUYOUTS AND FLOODPLAIN RESTORATION, TO AUTHORIZE THE BANK TO UNDERTAKE CERTAIN ACTIONS IN ORDER TO PROPERLY FUNCTION, TO ESTABLISH CERTAIN CRITERIA FOR LOANS AND ELIGIBLE FUND RECIPIENTS, TO PROVIDE CERTAIN REQUIREMENTS FOR THE MONIES WITHIN THE FUND, TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO UNDERTAKE CERTAIN ACTIONS TO EFFECTIVELY OPERATE THE FUND.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator GOLDFINCH explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 0; Nays 42

AYES

Total--0

NAYS

Alexander	Allen	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Leatherman	Loftis
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice

WEDNESDAY, SEPTEMBER 23, 2020

Sabb	Scott	Senn
Setzler	Sheheen	Talley
Turner	Williams	Young

Total--42

On motion of Senator GOLDFINCH, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

S. 259 -- Senators Goldfinch, Campsen, Kimpson, Senn and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 61 TO TITLE 48 SO AS TO ENACT THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND ACT"; TO ESTABLISH THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND" TO PROVIDE LOW INTEREST LOANS TO PERFORM FLOODED-HOME BUYOUTS AND FLOODPLAIN RESTORATION, TO AUTHORIZE THE BANK TO UNDERTAKE CERTAIN ACTIONS IN ORDER TO PROPERLY FUNCTION, TO ESTABLISH CERTAIN CRITERIA FOR LOANS AND ELIGIBLE FUND RECIPIENTS, TO PROVIDE CERTAIN REQUIREMENTS FOR THE MONIES WITHIN THE FUND, TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO UNDERTAKE CERTAIN ACTIONS TO EFFECTIVELY OPERATE THE FUND.

asks for a Committee of Conference, and has appointed Reps. G.M Smith, Crawford and Stavrinakis to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

WEDNESDAY, SEPTEMBER 23, 2020

S. 259--CONFERENCE COMMITTEE APPOINTED

Whereupon, Senators GOLDFINCH, CLIMER and SABB were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**S. 259--FREE CONFERENCE POWERS GRANTED
FREE CONFERENCE COMMITTEE APPOINTED
REPORT OF THE COMMITTEE OF FREE CONFERENCE
ADOPTED**

S. 259 -- Senators Goldfinch, Campsen, Kimpson, Senn and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 61 TO TITLE 48 SO AS TO ENACT THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND ACT"; TO ESTABLISH THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND" TO PROVIDE LOW INTEREST LOANS TO PERFORM FLOODED-HOME BUYOUTS AND FLOODPLAIN RESTORATION, TO AUTHORIZE THE BANK TO UNDERTAKE CERTAIN ACTIONS IN ORDER TO PROPERLY FUNCTION, TO ESTABLISH CERTAIN CRITERIA FOR LOANS AND ELIGIBLE FUND RECIPIENTS, TO PROVIDE CERTAIN REQUIREMENTS FOR THE MONIES WITHIN THE FUND, TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO UNDERTAKE CERTAIN ACTIONS TO EFFECTIVELY OPERATE THE FUND.

On motion of Senator GOLDFINCH, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator GOLDFINCH spoke on the report.

**S. 259--Free Conference Powers Granted
Free Conference Committee Appointed**

Senator GOLDFINCH asked unanimous consent to be granted Free Conference Powers.

The question then was granting of Free Conference Powers.

Free Conference Powers were granted.

WEDNESDAY, SEPTEMBER 23, 2020

Whereupon, Senators GOLDFINCH, CLIMER and SABB were appointed to the Committee of Free Conference on the part of the Senate and a message was sent to the House accordingly.

The question then was adoption of the Report of the Committee of Free Conference.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Alexander	Allen	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Leatherman	Loftis
Malloy	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Sheheen	Talley	Turner
Williams	Young	

Total--41

NAYS

Total--0

On motion of Senator GOLDFINCH, the Report of the Committee of Free Conference to S. 259 was adopted as follows:

S. 259 --Free Conference Report

The General Assembly, Columbia, S.C., September 23, 2020

WEDNESDAY, SEPTEMBER 23, 2020

The COMMITTEE OF FREE CONFERENCE, to whom was referred:

S. 259 -- Senators Goldfinch, Campsen, Kimpson, Senn and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 61 TO TITLE 48 SO AS TO ENACT THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND ACT"; TO ESTABLISH THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND" TO PROVIDE LOW INTEREST LOANS TO PERFORM FLOODED-HOME BUYOUTS AND FLOODPLAIN RESTORATION, TO AUTHORIZE THE BANK TO UNDERTAKE CERTAIN ACTIONS IN ORDER TO PROPERLY FUNCTION, TO ESTABLISH CERTAIN CRITERIA FOR LOANS AND ELIGIBLE FUND RECIPIENTS, TO PROVIDE CERTAIN REQUIREMENTS FOR THE MONIES WITHIN THE FUND, TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO UNDERTAKE CERTAIN ACTIONS TO EFFECTIVELY OPERATE THE FUND.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. A. Title 48 of the 1976 Code is amended by adding:

“CHAPTER 62

Disaster Relief and Resilience Act

Article 1

South Carolina Office of Resilience

Section 48-62-10. As used in this article:

(1) ‘Fund’ means the Disaster Relief and Resilience Reserve Fund.

(2) ‘Office’ means the South Carolina Office of Resilience.

Section 48-62-20. (A) There is created the South Carolina Office of Resilience. The office shall develop, implement, and maintain the Statewide Resilience Plan and shall coordinate statewide resilience and disaster recovery efforts, including coordination with federal, state, and local government agencies, stakeholders, and nongovernmental entities.

(B) Additionally, the South Carolina Disaster Recovery Office as established by Executive Order 2016-13 and included within the South Carolina Department of Administration by Executive Order 2018-59 is transferred to, and incorporated into, the South Carolina Office of Resilience.

(C) The office shall be governed by a Chief Resilience Officer who shall be appointed by the Governor, with the advice and consent of the

WEDNESDAY, SEPTEMBER 23, 2020

Senate. The Chief Resilience Officer shall serve at the pleasure of the Governor.

Section 48-62-30. To coordinate and strengthen efforts to reduce losses from future disasters across the State, the office shall develop, implement, and maintain a strategic Statewide Resilience Plan, which must include, but is not limited to:

(1) development and implementation of a Strategic Statewide Resilience and Risk Reduction Plan, which shall be developed in accordance with the principles recommended in the South Carolina Floodwater Commission Report and shall serve as framework to guide state investment in flood mitigation projects and the adoption of programs and policies to protect the people and property of South Carolina from the damage and destruction of extreme weather events. This plan shall be reviewed and revised at appropriate intervals determined by the Chief Resilience Officer and advisory agencies to assure that it continues to serve the health, safety, and welfare of the citizens of South Carolina over time. An initial version of this plan shall be completed by July 1, 2022, and shall, at minimum, include provisions that:

(a) describe known flood risks for each of the eight major watersheds of the State, as delineated in the Department of Health and Environmental Control's South Carolina Watershed Atlas;

(b) for each major watershed, examine present and potential losses associated with the occurrence of extreme weather events and other natural catastrophes in this State, and land management practices that potentiate extreme weather events, resulting in increased flooding, wildfires, and drought conditions;

(c) for each major watershed, identify data and information gaps that affect the capacity of state agencies or local governments to adequately evaluate and address the factors that increase flood risk, and recommend strategies to overcome such gaps;

(d) develop recommendations, at appropriate scale, including subwatershed or local governmental levels, to decrease vulnerabilities and adverse impacts associated with flooding. In developing these recommendations, the office shall, at a minimum, consider the following:

(i) the economic impact of best available projections related to the current and future risk of extreme weather events in this State including, but not limited to, the impact on forestry, agriculture, water, and other natural resources, food systems, zoning, wildlife, hunting,

WEDNESDAY, SEPTEMBER 23, 2020

infrastructure, economic productivity and security, education, and public health;

(ii) the long-term costs, including ongoing operation and maintenance costs of specific projects or suites of flood mitigation projects and approaches;

(iii) opportunities to prioritize the role of nature-based solutions and other methods to restore the natural function of the floodplain;

(iv) possible cobenefits that may be achieved beyond flood reduction including, but not limited to, enhanced water supply, improvements in water quality, tourism and recreational opportunities, or protection of wildlife and aquatic resources;

(v) statutory or regulatory remedies for consideration by the General Assembly;

(vi) necessary state policies or responses, including alterations to state building codes and land use management, creation of additional programs or offices and directions for the provision of clear and coordinated services and support to reduce the impact of natural catastrophes and extreme weather events and increase resiliency in this State; and

(vii) potential financial resources available for increasing resiliency throughout the State;

(e) estimates of the number and cost of residential properties within the State for which a floodplain buyout may be appropriate;

(f) a strategy for providing resources, technical assistance, and other support to local governments for flood risk reduction action;

(g) plans for integrating recommended approaches to risk reduction into existing state strategies for hazard mitigation, environmental protection and economic opportunity and development;

(h) opportunities for stakeholder input from citizens around the State;

(2) coordination of statewide disaster recovery efforts and activities and collaboration between federal, state, and local stakeholders;

(3) technical planning assistance for state and local governmental entities; and

(4) grants to institutions of higher education and other state and local governmental entities to conduct research related to resilience concerns specific to South Carolina.

WEDNESDAY, SEPTEMBER 23, 2020

Section 48-62-40. (A) To aid in the development of the Statewide Resilience Plan, there is created the Statewide Resilience Plan Advisory Committee. The committee must be composed of:

- (1) the Director of the Department of Natural Resources, or his designee;
- (2) the Director of the Department of Insurance, or his designee;
- (3) a representative of the South Carolina Disaster Recovery Office appointed by the Chief Resilience Officer;
- (4) the Commissioner of Agriculture, or his designee;
- (5) the Director of the South Carolina Emergency Management Division, or his designee;
- (6) the Executive Director of the Sea Grant Consortium, or his designee; and
- (7) the Secretary of the Department of Commerce, or his designee.

(B) In addition to the members set forth in subsection (A), the Chief Resilience Office may add members to the advisory board as he deems necessary and proper. All governmental agencies must cooperate with advisory board to fulfill its mission.

Section 48-62-50. There is created in the State Treasury the Disaster Relief and Resilience Reserve Fund, which shall be separate and distinct from the general fund and all other reserve funds. Funds appropriated to the fund only may be used to develop, implement, and maintain the Statewide Resilience Plan, and for disaster relief assistance, hazard mitigation, and infrastructure improvements as set forth in this article. Interest accrued by the fund must remain in the fund and unexpended funds must be retained and carried forward to be used for the same purposes.

Section 48-62-60. (A) Following a federally declared disaster, the Disaster Relief and Resilience Reserve Fund may make available immediate disaster relief assistance to aid resilient rebuilding in affected communities with significant unmet needs. For purposes of this section, disaster relief assistance includes, but is not limited to:

- (1) financial assistance to state and local governmental entities to provide the nonfederal share for federal disaster assistance programs;
- (2) infrastructure repairs for homeowners and communities that are not eligible for Community Development Block Grant - Disaster Recovery and other federal funding assistance;
- (3) loans and grants to local governments in disaster areas that need immediate cash flow assistance;
- (4) grants to governmental entities and organizations exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code

WEDNESDAY, SEPTEMBER 23, 2020

to repair or replace infrastructure or equipment damaged as a result of a natural disaster; and

(5) financial assistance for verifiable losses of agricultural commodities due to a natural disaster.

(B) Activities completed using disaster relief assistance from the fund shall account for future risks and hazard exposure in order to rebuild in a manner that will reduce the exposure of the community to future hazards and reduce future losses, consistent with the implementation of the Statewide Resilience Plan.

(C) In order to qualify for disaster relief assistance, eligible fund recipients must apply to the office and meet all criteria set forth by the office.

Section 48-62-70. (A) To satisfy the purposes of removing residents from hazard areas, safeguarding property, and restoring the natural function of the floodplain, the Disaster Relief and Resilience Reserve Fund may be allocated to enable hazard mitigation and infrastructure improvements through loans and through a competitive grant process administered by the office. For purposes of this section, hazard mitigation and infrastructure improvements include, but are not limited to:

(1) mitigation buyouts, relocations, and buyout assistance for homes, including multifamily units, not covered by Hazard Mitigation Grant Program;

(2) gap funding related to buyouts in order to move residents out of floodplain hazard areas and restore or enhance the natural flood-mitigation capacity of functioning floodplains;

(3) assistance to low- and moderate-income homeowners to help lower flood risk through flood insurance, structural and nonstructural mitigation projects, or other means;

(4) loans and grants to state and local governmental entities for hazard mitigation and infrastructure improvement projects; and

(5) approved mitigation projects identified in local post-disaster recovery plans created and adopted prior to a disaster.

(B) Upon its creation, funding priority must be given to projects identified by the Statewide Resilience Plan or local hazard mitigation plans.

(C) In approving financial assistance for hazard mitigation and infrastructure improvement projects, the office shall ensure that selected projects are in compliance with requirements of the National Flood Insurance Program or any more stringent requirements adopted by a local government and shall give priority to projects which offer enhanced

WEDNESDAY, SEPTEMBER 23, 2020

protection from future flood events or which utilize or incorporate natural features to achieve protections. Funds may not be used for projects which, rather than lowering risks overall, increase the flood vulnerabilities of neighboring areas.

(D) In order to qualify for hazard mitigation and infrastructure improvement grants and loans, eligible fund recipients must apply to the office and meet all criteria set forth by the office.

Article 3

South Carolina Resilience Revolving Fund

Section 48-62-310. As used in this article:

(1) ‘Authority’ means the South Carolina Disaster Recovery Office within the South Carolina Office of Resilience.

(2) ‘Conservation easement’ means an interest in real property as defined in Chapter 8, Title 27, the South Carolina Conservation Easement Act of 1991.

(3) ‘Eligible fund recipient’ means:

(a) the State of South Carolina and any agency, commission, or instrumentality of the State;

(b) local governments of the State and any agency, commission, or instrumentality of the local government; and

(c) land trusts operating within the State accredited by the Land Trust Accreditation Commission, an independent program of the Land Trust Alliance that provides independent verification that land trusts meet the high standards of land conservation, stewardship, and nonprofit management in the nationally recognized Land Trust Standards and Practices.

(4) ‘Floodplain restoration’ means any activity undertaken to reestablish the hydrology and ecology of the floodplain to its natural state.

(5) ‘Fund’ means the South Carolina Resilience Revolving Fund.

(6) ‘Loan’ means a loan from the authority to an eligible fund recipient for the purpose of financing all or a portion of the cost of a project.

(7) ‘Loan agreement’ means a written agreement between the authority and a project sponsor with respect to a loan.

(8) ‘Loan obligation’ means a bond, note, or other evidence of obligation issued by a project sponsor to evidence its indebtedness under a loan agreement with respect to a loan.

(9) ‘Local government’ means any county, city, town, municipal corporation, authority, district, commission, or political subdivision

WEDNESDAY, SEPTEMBER 23, 2020

created by the General Assembly or established pursuant to the laws of this State.

(10) 'Multifamily residence' means a building with multiple separate residential housing units.

(11) 'Office' means the South Carolina Office of Resilience.

(12) 'Primary single family residence' means a single detached dwelling that is occupied as the main home by the owners for the majority of the year.

(13) 'Proposed project' means a plan submitted to the authority by an eligible fund recipient for the use of loan funds.

(14) 'Repetitive loss' means a residence that sustained two or more incidents of weather-related flooding causing damages over one thousand dollars each within a period of ten consecutive years.

(15) 'Restrictive covenant' means a recorded covenant that imposes activity and use limitations on real property.

Section 48-62-320. There is created the South Carolina Resilience Revolving Fund. The fund is governed by the authority. The authority is a public instrumentality of this State, and the exercise by it of a power conferred in this article is the performance of an essential public function. The Director and staff of the South Carolina Disaster Recovery Office comprise the authority, under the supervision and review of the Chief Resilience Officer and the Governor.

Section 48-62-330. (A) With regard to the fund, the authority is authorized to:

(1) make and service below-market interest rate loans and grants as financial incentives to eligible fund recipients meeting the criteria of Section 48-62-50 for the purchase of flooded properties and land to complete floodplain restorations, so long as the loans advance the purposes of this article and meet applicable criteria;

(2) enter into loan agreements and accept and enforce loan obligations, so long as the loans advance the purposes of this article and meet applicable criteria;

(3) receive and collect the inflow of payments on loan amounts;

(4) apply for and receive additional funding for the fund from federal, state, private, and other sources;

(5) receive charitable contributions and donations to the fund;

(6) receive contributions to the fund in satisfaction of any public or private obligation for flooding mitigation, whether such obligation arises out of law, equity, contract, regulation, administrative proceeding, or judicial proceeding. Such contributions must be used as provided for in this article;

WEDNESDAY, SEPTEMBER 23, 2020

(7) make and execute contracts and all other instruments and agreements necessary or convenient for the performance of its duties and the exercise of its powers and functions;

(8) establish policies and procedures for the making and administration of loans, fiscal controls, and accounting procedures to ensure proper accounting and reporting; and

(9) exercise its discretion in determining what portion of funds must be disbursed and awarded in any particular year and what portion of funds shall remain in the fund from one fiscal year to the next. Sums within the fund must be invested or deposited into interest-bearing instruments or accounts, and the accrued interest must be credited to the fund.

(B) To carry out these functions, the authority shall:

(1) operate a program in order to implement the purposes of this article;

(2) receive final approval from the State Fiscal Accountability Authority for fund disbursements prior to the issuance of a loan;

(3) develop additional guidelines and prescribe procedures, consistent with the criteria and purposes of this article;

(4) submit an annual report to the Governor, Lieutenant Governor, State Treasurer, and General Assembly that:

(a) accounts for fund receipts and disbursements;

(b) briefly describes applications submitted to the fund and, in greater detail, describes grants and loans that were approved or funded during the current year and the public benefits, including increased flood retention resulting from such grants and loans;

(c) describes recipients of fund loans and grant monies; and

(d) sets forth a list and description of all loans and grants approved and all acquisitions of homes and lands obtained since the fund's inception; and

(5) have an annual audit of the fund conducted by outside independent certified public accountants and submitted to the Governor, Lieutenant Governor, State Treasurer, and General Assembly. The accounting of fund receipts and expenditures required above must be part of this annual audit.

Section 48-62-340. (A) In the issuing of loans, the authority must:

(1) prioritize the buyout of blocks or groups of homes rather than individual homes so that no more than fifteen percent of funds disbursed in a fiscal year go toward individual home buyouts;

(2) prioritize buyouts of single-family primary residences and multifamily residences;

WEDNESDAY, SEPTEMBER 23, 2020

(3) consider the availability of additional funding sources leveraged by a project;

(4) prevent the use of the fund for homes built after July 1, 2020;

(5) prevent the use of the fund for proposed projects that involve the use of eminent domain; and

(6) prioritize the use of the fund for low- and moderate-income households making less than one hundred twenty-five percent of the median household income in the jurisdiction of the eligible fund recipient.

(B) The authority must issue loans using the following criteria and conditions:

(1) offer a funding package of grants and loans for a particular project that carries an overall effective interest rate equivalent to no higher than forty percent of the market interest rate as defined by the ten-year United States Treasury Yield Curve;

(2) make a portion of each loan available as a grant not requiring payment as a financial incentive to reduce the loan amount, that portion being no greater than twenty-five percent and no less than five percent of the total project disbursement, to incrementally reward those eligible fund recipients that execute beneficial flood mitigation practices. To qualify for a grant, eligible fund recipients must execute one or more of the following beneficial flood mitigation practices:

(a) ensuring residents relocate outside of the floodplain;

(b) aiding residents in relocating outside of the floodplain and within the tax base;

(c) aiding residents in relocating outside of the floodplain within an area designated as an opportunity zone;

(d) conducting floodplain restoration after the property is converted to open space to reestablish the full water storing benefits of the floodplain;

(e) completing a buyout of an area larger than ten acres; and

(f) other activities as deemed appropriate by the authority so long as they contribute to flood resilience in the community of the buyout;

(3) require that acquired properties are returned to open space and that all future development on the parcel is prohibited in perpetuity through easement or restrictive covenant; and

(4) prohibit the use of more than five hundred thousand dollars for each housing unit receiving loan funds.

(C) Eligible fund recipients may apply for loans from the fund to complete:

WEDNESDAY, SEPTEMBER 23, 2020

- (1) buyouts of repetitive loss properties;
- (2) buyouts of repetitive loss properties with land intended for floodplain restoration; and
- (3) floodplain restoration in connection with buyouts funded through other mechanisms.

(D) In order to qualify for a loan, eligible fund recipients must apply to the authority and, at a minimum, meet the following criteria:

- (1) for buyouts of repetitive loss properties:
 - (a) identify specific properties included in the proposed project;
 - (b) demonstrate how the properties qualify as repetitive loss properties;
 - (c) identify a plan and timeline for returning the property to open space within six months following the completion of the buyout and holding an easement or restrictive covenant on the land in perpetuity;
 - (d) complete an economic assessment to show the costs and benefits of the project; and
 - (e) identify any beneficial flood mitigation practices planned for the project;
- (2) for buyouts of repetitive loss properties with land intended for floodplain restoration:
 - (a) identify specific properties included in the proposed project;
 - (b) demonstrate how the properties qualify as repetitive loss properties;
 - (c) identify a plan and timeline for returning the property to open space within six months following the completion of the buyout and holding an easement or restrictive covenant on the land in perpetuity;
 - (d) complete an economic assessment to show the costs and benefits of the project;
 - (e) submit a plan for conducting floodplain restoration; and
 - (f) identify any additional beneficial flood mitigation practices planned for the project;
- (3) for other floodplain restoration:
 - (a) submit a plan and timeline for conducting floodplain restoration;
 - (b) identify a plan and timeline for holding an easement or restrictive covenant on the land in perpetuity;
 - (c) complete an economic assessment to show the costs and benefits of the project; and
 - (d) identify any additional beneficial flood mitigation practices planned for the project; and

WEDNESDAY, SEPTEMBER 23, 2020

(4) any additional criteria required by external grants contributing to the fund.

(E) Financial criteria also must be met pursuant to the standards set by the authority. The authority may require additional criteria and exercise discretion in issuing loans.

Section 48-62-350. (A) The fund must be held and administered by the authority in accordance with the provisions of this article and policies, rules, regulations, directives, and agreements as may be promulgated or entered into by the authority pursuant to this article. Earnings on balances in the fund must be credited to the fund. Amounts remaining in the fund at the end of the fiscal year accrue only to the credit of the fund. Amounts in the fund must be available in perpetuity for the purpose of providing financial assistance in accordance with the provisions of this article.

(B) The authority is authorized to deposit the following into the fund:

(1) federal capitalization grants, awards, or other federal assistance received by the office for the purposes of the fund;

(2) funds appropriated by the General Assembly for deposit to the fund;

(3) payments received from a recipient in repayment of a loan;

(4) interest or other income earned on the investment of monies in the fund; and

(5) additional monies made available from public or private sources for the purposes of which the fund has been established.

(C) Monies in the fund may only be used to:

(1) make loans to eligible fund recipients in accordance with the provisions of this article;

(2) earn interest on fund accounts; and

(3) provide for the program administration and project management activities of the fund.

(D) The authority may establish accounts and subaccounts within the fund as considered desirable to effectuate the purposes of this article.

Section 48-62-360. In addition to appropriations made by the General Assembly, the office shall seek out additional sources of funding to sustain the fund, including federal dollars from the Department of Housing and Urban Development Community Development Block Grant-Disaster Recovery appropriations. Additional appropriations to the fund may be requested from the General Assembly so as to expand the capabilities of the fund.

Section 48-62-370. The office may:

WEDNESDAY, SEPTEMBER 23, 2020

- (1) promulgate regulations to effectuate the provisions of this article;
- (2) establish an operational structure within its authority to administer the fund;
- (3) develop priority systems that ensure consistency with the provisions of this article;
- (4) prepare annual plans in accordance with this article;
- (5) receive monies from the fund for program administration and project management activities of the fund; and
- (6) hire staff and employ agents, advisers, consultants, and other employees, including attorneys, financial advisers, engineers, and other technical advisers, and public accountants and determine their duties and compensation.

Section 48-62-380. The provisions of this article must be liberally construed to the end that its beneficial purposes may be effectuated. No proceeding, notice, or approval is required for loan obligations by a project sponsor or instruments or the security for the loan obligation, except as provided in this article. If the provisions of this article are inconsistent with the provisions of any other law, whether general, special, or local, then the provisions of this article are controlling.”

B.(A) As set forth in Section 48-62-20(B), (C) the South Carolina Disaster Recovery Office as established by Executive Order 2016-13 and included within the South Carolina Department of Administration by Executive Order 2018-59 is transferred to, and incorporated into, the South Carolina Office of Resilience.

(B) The South Carolina Disaster Recovery Office, and to the extent necessary, the South Carolina Department of Administration, shall take all necessary actions to accomplish this transfer in accordance with any state and federal laws and regulations.

(C) The employees, authorized appropriations, and assets and liabilities of the South Carolina Disaster Recovery Office also are transferred to and become part of the South Carolina Office of Resilience.

(D) On the effective date of this act, all classified or unclassified personnel employed by the South Carolina Disaster Recovery Office, either by contract or by employment at will, and all permanent or temporary grant employees become employees of the South Carolina Office of Resilience, with the same compensation, classification, and grade level, as applicable.

(E) Any rules or regulations which have been promulgated by the South Carolina Disaster Recovery Office and any applicable contracts

WEDNESDAY, SEPTEMBER 23, 2020

entered into by the South Carolina Disaster Recovery Office are continued in full force and effect.

SECTION 2. Section 6-29-510(D) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“() a resiliency element that considers the impacts of flooding, high water, and natural hazards on individuals, communities, institutions, businesses, economic development, public infrastructure and facilities, and public health, safety and welfare. This element includes an inventory of existing resiliency conditions, promotes resilient planning, design and development, and is coordinated with adjacent and relevant jurisdictions and agencies. For the purposes of this item, ‘adjacent and relevant jurisdictions and agencies’ means those counties, municipalities, public service districts, school districts, public and private utilities, transportation agencies, and other public entities that are affected by or have planning authority over the public project. For the purposes of this item, ‘coordination’ means written notification by the local planning commission or its staff to adjacent and relevant jurisdictions and agencies of the proposed projects and the opportunity for adjacent and relevant jurisdictions and agencies to provide comment to the planning commission or its staff concerning the proposed projects. Failure of the planning commission or its staff to identify or notify an adjacent or relevant jurisdiction or agency does not invalidate the local comprehensive plan and does not give rise to a civil cause of action. This element shall be developed in coordination with all preceding elements and integrated into the goals and strategies of each of the other plan elements.”

SECTION 3. This act takes effect upon approval by the Governor. /
Amend title to read:

/ TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 62 TO TITLE 48 SO AS TO ESTABLISH THE SOUTH CAROLINA OFFICE OF RESILIENCE TO DEVELOP, IMPLEMENT, AND MAINTAIN A STATEWIDE RESILIENCE PLAN AND TO COORDINATE STATEWIDE RESILIENCE AND DISASTER RECOVERY EFFORTS, TO PROVIDE THAT A CHIEF RESILIENCE OFFICER SHALL GOVERN THE OFFICE, TO ESTABLISH THE STATEWIDE RESILIENCE PLAN ADVISORY COMMITTEE, TO TRANSFER THE SOUTH CAROLINA DISASTER RECOVERY OFFICE TO THE SOUTH CAROLINA OFFICE OF RESILIENCE, AND TO CREATE THE DISASTER RELIEF AND RESILIENCE RESERVE FUND TO FUND THE STATEWIDE RESILIENCE PLAN, DISASTER RELIEF

WEDNESDAY, SEPTEMBER 23, 2020

ASSISTANCE, AND HAZARD MITIGATION AND INFRASTRUCTURE IMPROVEMENTS; TO ESTABLISH THE SOUTH CAROLINA RESILIENCE REVOLVING FUND TO PROVIDE LOW INTEREST LOANS TO PERFORM FLOODED-HOME BUYOUTS AND FLOODPLAIN RESTORATION; AND TO AMEND SECTION 6-29-510, RELATING TO COMPREHENSIVE PLANS OF LOCAL PLANNING COMMISSIONS, SO AS TO REQUIRE LOCAL COMPREHENSIVE PLANS TO INCLUDE A RESILIENCE ELEMENT. /

/s/Stephen L. Goldfinch, Jr.	/s/G. Murrell Smith, Jr.
/s/ Senator Ronnie A. Sabb	/s/Rep. Leon Stavrinakis
/s/Sen. Senator Wes Climer	/s/Rep. Rep. Heather A. Crawford
On Part of the Senate.	On Part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has requested and was granted Free Conference Powers and has appointed Reps. G.M Smith, Crawford and Stavrinakis to the Committee of Free Conference on the part of the House on:

S. 259 -- Senators Goldfinch, Campsen, Kimpson, Senn and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 62 TO TITLE 48 SO AS TO ESTABLISH THE SOUTH CAROLINA OFFICE OF RESILIENCE TO DEVELOP, IMPLEMENT, AND MAINTAIN A STATEWIDE RESILIENCE PLAN AND TO COORDINATE STATEWIDE RESILIENCE AND DISASTER RECOVERY EFFORTS, TO PROVIDE THAT A CHIEF RESILIENCE OFFICER SHALL GOVERN THE OFFICE, TO ESTABLISH THE STATEWIDE RESILIENCE PLAN ADVISORY COMMITTEE, TO TRANSFER THE SOUTH CAROLINA DISASTER RECOVERY OFFICE TO THE SOUTH CAROLINA OFFICE OF RESILIENCE, AND TO CREATE THE DISASTER RELIEF AND RESILIENCE RESERVE FUND TO FUND THE STATEWIDE RESILIENCE PLAN, DISASTER RELIEF ASSISTANCE, AND HAZARD MITIGATION AND INFRASTRUCTURE IMPROVEMENTS; TO ESTABLISH THE

WEDNESDAY, SEPTEMBER 23, 2020

SOUTH CAROLINA RESILIENCE REVOLVING FUND TO PROVIDE LOW INTEREST LOANS TO PERFORM FLOODED-HOME BUYOUTS AND FLOODPLAIN RESTORATION; AND TO AMEND SECTION 6-29-510, RELATING TO COMPREHENSIVE PLANS OF LOCAL PLANNING COMMISSIONS, SO AS TO REQUIRE LOCAL COMPREHENSIVE PLANS TO INCLUDE A RESILIENCE ELEMENT.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Free Conference on:

S. 259 -- Senators Goldfinch, Campsen, Kimpson, Senn and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 62 TO TITLE 48 SO AS TO ESTABLISH THE SOUTH CAROLINA OFFICE OF RESILIENCE TO DEVELOP, IMPLEMENT, AND MAINTAIN A STATEWIDE RESILIENCE PLAN AND TO COORDINATE STATEWIDE RESILIENCE AND DISASTER RECOVERY EFFORTS, TO PROVIDE THAT A CHIEF RESILIENCE OFFICER SHALL GOVERN THE OFFICE, TO ESTABLISH THE STATEWIDE RESILIENCE PLAN ADVISORY COMMITTEE, TO TRANSFER THE SOUTH CAROLINA DISASTER RECOVERY OFFICE TO THE SOUTH CAROLINA OFFICE OF RESILIENCE, AND TO CREATE THE DISASTER RELIEF AND RESILIENCE RESERVE FUND TO FUND THE STATEWIDE RESILIENCE PLAN, DISASTER RELIEF ASSISTANCE, AND HAZARD MITIGATION AND INFRASTRUCTURE IMPROVEMENTS; TO ESTABLISH THE SOUTH CAROLINA RESILIENCE REVOLVING FUND TO PROVIDE LOW INTEREST LOANS TO PERFORM FLOODED-HOME BUYOUTS AND FLOODPLAIN RESTORATION; AND TO AMEND SECTION 6-29-510, RELATING TO COMPREHENSIVE PLANS OF LOCAL PLANNING COMMISSIONS, SO AS TO REQUIRE LOCAL COMPREHENSIVE PLANS TO INCLUDE A RESILIENCE ELEMENT.

Very respectfully,

WEDNESDAY, SEPTEMBER 23, 2020

Speaker of the House

Received as information.

**S. 259--REPORT OF COMMITTEE OF FREE CONFERENCE
ENROLLED FOR RATIFICATION**

The Report of the Committee of Free Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 426 -- Senators Goldfinch and Sabb: A JOINT RESOLUTION TO TRANSFER FUNDS APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION FOR A BOAT RAMP IN GEORGETOWN COUNTY TO THE DEPARTMENT OF NATURAL RESOURCES AND TO CREDIT SUCH FUNDS AS WATER RECREATIONAL RESOURCE FUNDS FOR GEORGETOWN COUNTY.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator GOLDFINCH, the Senate agreed to waive the provisions of Rule 32A requiring the Joint Resolution to be printed on the Calendar, proceeded to a consideration of the Joint Resolution, the question being concurrence in the House amendments.

CONCURRENCE

S. 426 -- Senators Goldfinch and Sabb: A JOINT RESOLUTION TO TRANSFER FUNDS APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION FOR A BOAT RAMP IN GEORGETOWN COUNTY TO THE DEPARTMENT OF NATURAL RESOURCES AND TO CREDIT SUCH FUNDS AS WATER RECREATIONAL RESOURCE FUNDS FOR GEORGETOWN COUNTY.

WEDNESDAY, SEPTEMBER 23, 2020

The House returned the Joint Resolution with amendments, the question being concurrence in the House amendments.

Senator GOLDFINCH explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Alexander	Allen	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Jackson	Johnson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Sheheen	Talley	Turner
Williams	Young	

Total--41

NAYS

Total--0

On motion of Senator GOLDFINCH, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

WEDNESDAY, SEPTEMBER 23, 2020

S. 753 -- Senators Gambrell and Cash: A BILL TO AMEND SECTION 38-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSURANCE PREMIUM TAXES, SO AS TO TRANSFER ONE PERCENT OF THE REVENUES TO THE V-SAFE PROGRAM; AND TO TRANSFER CERTAIN FUNDS TO THE V-SAFE PROGRAM.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator GAMBRELL, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

CONCURRENCE

S. 753 -- Senators Gambrell and Cash: A BILL TO AMEND SECTION 38-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSURANCE PREMIUM TAXES, SO AS TO TRANSFER ONE PERCENT OF THE REVENUES TO THE V-SAFE PROGRAM; AND TO TRANSFER CERTAIN FUNDS TO THE V-SAFE PROGRAM.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator GAMBRELL explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0

AYES

Alexander	Allen	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Gregory
Grooms	Harpootlian	Hembree
Jackson	Johnson	Leatherman
Loftis	Malloy	Martin

WEDNESDAY, SEPTEMBER 23, 2020

Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Reese	Rice
Sabb	Scott	Senn
Setzler	Sheheen	Talley
Turner	Williams	Young

Total--39

NAYS

Total--0

On motion of Senator GAMBRELL, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 1071 -- Senators Alexander, Talley, Grooms, Martin, Young, Peeler, Senn, Cash, Gambrell, Reese, Goldfinch, Fanning and Johnson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-9-197 SO AS TO ESTABLISH THE "FIREFIGHTER CANCER HEALTH CARE BENEFIT PLAN" TO PROVIDE A SUPPLEMENTAL INSURANCE POLICY UPON A FIREFIGHTER BEING DIAGNOSED WITH CANCER AND TO SET FORTH THE BENEFITS CONTAINED IN THE POLICY; AND TO AMEND SECTIONS 38-7-30 AND 38-7-35, RELATING TO THE TAX ON FIRE INSURERS AND THE EXPENDITURE OF THE TAX, SO AS TO FUND THE PLAN.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

WEDNESDAY, SEPTEMBER 23, 2020

Motion Adopted

On motion of Senator CROMER, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

CONCURRENCE

S. 1071 -- Senators Alexander, Talley, Grooms, Martin, Young, Peeler, Senn, Cash, Gambrell, Reese, Goldfinch, Fanning and Johnson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-9-197 SO AS TO ESTABLISH THE "FIREFIGHTER CANCER HEALTH CARE BENEFIT PLAN" TO PROVIDE A SUPPLEMENTAL INSURANCE POLICY UPON A FIREFIGHTER BEING DIAGNOSED WITH CANCER AND TO SET FORTH THE BENEFITS CONTAINED IN THE POLICY; AND TO AMEND SECTIONS 38-7-30 AND 38-7-35, RELATING TO THE TAX ON FIRE INSURERS AND THE EXPENDITURE OF THE TAX, SO AS TO FUND THE PLAN.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator CROMER explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Leatherman	Loftis	Malloy
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Sheheen
Turner	Williams	Young

WEDNESDAY, SEPTEMBER 23, 2020

Total--39

NAYS

Total--0

On motion of Senator CROMER, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

H. 3596 -- Reps. Long, Erickson, Clemmons, Bales, Fry, Loftis, Burns, Hewitt, Bannister, Forrester, Herbkersman, Huggins, Lowe, D.C. Moss, B. Newton, W. Newton, Pope, Robinson, Sandifer, Simrill, G.M. Smith, G.R. Smith, Tallon, Toole, Trantham, Johnson, V.S. Moss, Stringer, Willis, Bailey, Elliott, B. Cox, Magnuson, Clary, Hixon, Martin, Davis, Mace, Kimmons, Bennett, Bradley, Jordan, Finlay, Gagnon, McDaniel, Daning, Allison, Collins, McCoy, Atkinson, Hayes, Kirby, Wooten, Ballentine, Caskey, McCravy, Gilliam, Hill, Chellis, Crawford, Taylor, Young, Weeks, Yow, Whitmire, Hosey, Clyburn, Brown, Govan, Moore and Henderson-Myers: A BILL TO AMEND SECTION 12-43-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLASSIFICATION OF PROPERTY AND ASSESSMENT RATIOS FOR PURPOSES OF AD VALOREM TAXATION, SO AS TO LIMIT ROLLBACK TAXES TO ONE YEAR WHEN LAND CLASSIFIED AS AGRICULTURAL REAL PROPERTY IS APPLIED TO ANOTHER USE.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator SHEHEEN, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar,

WEDNESDAY, SEPTEMBER 23, 2020

proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

NONCONCURRENCE

H. 3596 -- Reps. Long, Erickson, Clemmons, Bales, Fry, Loftis, Burns, Hewitt, Bannister, Forrester, Herbkersman, Huggins, Lowe, D.C. Moss, B. Newton, W. Newton, Pope, Robinson, Sandifer, Simrill, G.M. Smith, G.R. Smith, Tallon, Toole, Trantham, Johnson, V.S. Moss, Stringer, Willis, Bailey, Elliott, B. Cox, Magnuson, Clary, Hixon, Martin, Davis, Mace, Kimmons, Bennett, Bradley, Jordan, Finlay, Gagnon, McDaniel, Daning, Allison, Collins, McCoy, Atkinson, Hayes, Kirby, Wooten, Ballentine, Caskey, McCravy, Gilliam, Hill, Chellis, Crawford, Taylor, Young, Weeks, Yow, Whitmire, Hosey, Clyburn, Brown, Govan, Moore and Henderson-Myers: A BILL TO AMEND SECTION 12-43-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLASSIFICATION OF PROPERTY AND ASSESSMENT RATIOS FOR PURPOSES OF AD VALOREM TAXATION, SO AS TO LIMIT ROLLBACK TAXES TO ONE YEAR WHEN LAND CLASSIFIED AS AGRICULTURAL REAL PROPERTY IS APPLIED TO ANOTHER USE.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator SHEHEEN explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 0; Nays 39

AYES

Total--0

NAYS

Alexander	Allen	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Leatherman	Loftis	Malloy

WEDNESDAY, SEPTEMBER 23, 2020

Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Sheheen
Turner	Williams	Young

Total--39

On motion of Senator SHEHEEN, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it receded from its amendment on:

H. 3596 -- Reps. Long, Erickson, Clemmons, Bales, Fry, Loftis, Burns, Hewitt, Bannister, Forrester, Herbkersman, Huggins, Lowe, D.C. Moss, B. Newton, W. Newton, Pope, Robinson, Sandifer, Simrill, G.M. Smith, G.R. Smith, Tallon, Toole, Trantham, Johnson, V.S. Moss, Stringer, Willis, Bailey, Elliott, B. Cox, Magnuson, Clary, Hixon, Martin, Davis, Mace, Kimmons, Bennett, Bradley, Jordan, Finlay, Gagnon, McDaniel, Daning, Allison, Collins, McCoy, Atkinson, Hayes, Kirby, Wooten, Ballentine, Caskey, McCravy, Gilliam, Hill, Chellis, Crawford, Taylor, Young, Weeks, Yow, Whitmire, Hosey, Clyburn, Brown, Govan, Moore and Henderson-Myers: A BILL TO AMEND SECTION 12-43-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLASSIFICATION OF PROPERTY AND ASSESSMENT RATIOS FOR PURPOSES OF AD VALOREM TAXATION, SO AS TO LIMIT ROLLBACK TAXES TO ONE YEAR WHEN LAND CLASSIFIED AS AGRICULTURAL REAL PROPERTY IS APPLIED TO ANOTHER USE.

Very respectfully,

Speaker of the House

Received as information.

ORDERED ENROLLED FOR RATIFICATION

The Bill, having received three readings in both Houses, was ordered that the title be changed to that of an Act and enrolled for Ratification:

WEDNESDAY, SEPTEMBER 23, 2020

H. 3596 -- Reps. Long, Erickson, Clemmons, Bales, Fry, Loftis, Burns, Hewitt, Bannister, Forrester, Herbkersman, Huggins, Lowe, D.C. Moss, B. Newton, W. Newton, Pope, Robinson, Sandifer, Simrill, G.M. Smith, G.R. Smith, Tallon, Toole, Trantham, Johnson, V.S. Moss, Stringer, Willis, Bailey, Elliott, B. Cox, Magnuson, Clary, Hixon, Martin, Davis, Mace, Kimmons, Bennett, Bradley, Jordan, Finlay, Gagnon, McDaniel, Daning, Allison, Collins, McCoy, Atkinson, Hayes, Kirby, Wooten, Ballentine, Caskey, McCravy, Gilliam, Hill, Chellis, Crawford, Taylor, Young, Weeks, Yow, Whitmire, Hosey, Clyburn, Brown, Govan, Moore and Henderson-Myers: A BILL TO AMEND SECTION 12-43-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLASSIFICATION OF PROPERTY AND ASSESSMENT RATIOS FOR PURPOSES OF AD VALOREM TAXATION, SO AS TO LIMIT ROLLBACK TAXES TO ONE YEAR WHEN LAND CLASSIFIED AS AGRICULTURAL REAL PROPERTY IS APPLIED TO ANOTHER USE.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 1099 -- Senators Talley, Shealy, Turner, Hutto, Sabb, Climer, McLeod, Gambrell, Johnson, Campsen, Scott, Williams and Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-942, SO AS TO PROVIDE THAT A MANUFACTURER, BREWER, OR IMPORTER OF BEER SHALL NOT REQUEST OR REQUIRE THAT A WHOLESALER SUBMIT CERTAIN INFORMATION FOR BEER BRANDS NOT MANUFACTURED, BREWED, OR IMPORTED BY THE MANUFACTURER, BREWER, OR IMPORTER; SHALL NOT MANDATE CERTAIN EMPLOYMENT MATTERS; SHALL NOT REQUEST OR REQUIRE A WHOLESALER TO PAY BEER BRAND MARKETING OR ADVERTISING FUNDS; SHALL NOT SHIP, INVOICE, OR INITIATE PAYMENT FOR ANY QUANTITY OF BEER IN EXCESS OF THAT FORECAST BY A WHOLESALER OR FOR ANY POINT OF SALE ADVERTISING OR OTHER ITEMS IN EXCESS OF THAT SPECIFIED BY THE WHOLESALER; SHALL NOT ATTRIBUTE ANY FINANCIAL INTEREST TO A WHOLESALER FOR BEER NOT IN THE WHOLESALER'S

WEDNESDAY, SEPTEMBER 23, 2020

POSSESSION; SHALL NOT REQUEST OR REQUIRE A WHOLESALER TO PAY FOR CERTAIN MATTERS PERTAINING TO SOFTWARE OWNED OR MANDATED BY THE MANUFACTURER, BREWER, OR IMPORTER; AND SHALL NOT REQUIRE PAYMENT OF A PENALTY BY THE WHOLESALER FOR NONCOMPLIANCE WITH ANY REQUIREMENT OF THE MANUFACTURER, BREWER, OR IMPORTER, EXCLUDING CERTAIN FEES OR INTEREST.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator HARPOOTLIAN, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

CONCURRENCE

S. 1099 -- Senators Talley, Shealy, Turner, Hutto, Sabb, Climer, McLeod, Gambrell, Johnson, Campsen, Scott, Williams and Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-942, SO AS TO PROVIDE THAT A MANUFACTURER, BREWER, OR IMPORTER OF BEER SHALL NOT REQUEST OR REQUIRE THAT A WHOLESALER SUBMIT CERTAIN INFORMATION FOR BEER BRANDS NOT MANUFACTURED, BREWED, OR IMPORTED BY THE MANUFACTURER, BREWER, OR IMPORTER; SHALL NOT MANDATE CERTAIN EMPLOYMENT MATTERS; SHALL NOT REQUEST OR REQUIRE A WHOLESALER TO PAY BEER BRAND MARKETING OR ADVERTISING FUNDS; SHALL NOT SHIP, INVOICE, OR INITIATE PAYMENT FOR ANY QUANTITY OF BEER IN EXCESS OF THAT FORECAST BY A WHOLESALER OR FOR ANY POINT OF SALE ADVERTISING OR OTHER ITEMS IN EXCESS OF THAT SPECIFIED BY THE WHOLESALER; SHALL NOT ATTRIBUTE ANY FINANCIAL INTEREST TO A WHOLESALER FOR BEER NOT IN THE WHOLESALER'S POSSESSION; SHALL NOT REQUEST OR REQUIRE A WHOLESALER TO PAY FOR CERTAIN MATTERS PERTAINING TO SOFTWARE OWNED OR MANDATED BY THE

WEDNESDAY, SEPTEMBER 23, 2020

MANUFACTURER, BREWER, OR IMPORTER; AND SHALL NOT REQUIRE PAYMENT OF A PENALTY BY THE WHOLESALER FOR NONCOMPLIANCE WITH ANY REQUIREMENT OF THE MANUFACTURER, BREWER, OR IMPORTER, EXCLUDING CERTAIN FEES OR INTEREST.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator MASSEY spoke on the Bill.

Senator MASSEY moved to carry over the Bill.

Senator HARPOOTLIAN moved to table the motion to carry over the Bill.

The motion to carry over the Bill was laid on the table.

Senator HARPOOTLIAN explained the amendments.

Senator MASSEY spoke on the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 30; Nays 4

AYES

Alexander	Allen	Campsen
Cash	Climer	Cromer
Davis	Fanning	Gambrell
Goldfinch	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Leatherman	Malloy
<i>Matthews, Margie</i>	McElveen	Peeler
Rankin	Reese	Sabb
Senn	Setzler	Sheheen
Turner	Williams	Young

Total--30

NAYS

Corbin	Loftis	Massey
Rice		

WEDNESDAY, SEPTEMBER 23, 2020

Total--4

On motion of Senator HARPOOTLIAN, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

H. 3755 -- Reps. Sandifer, Spires and Anderson: A BILL TO AMEND SECTION 38-77-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO AUTOMOBILE INSURANCE COVERAGE, SO AS TO REMOVE CERTAIN REQUIREMENTS FOR THE RENEWAL OF AN AUTOMOBILE COVERAGE POLICY AND TO DEFINE THE TERM "REDUCTION IN COVERAGE"; AND TO AMEND SECTION 38-77-120, RELATING TO NOTICE REQUIREMENTS FOR CANCELLATION OR THE REFUSAL TO RENEW A POLICY, SO AS TO ALLOW FOR AN INSURER TO RENEW A POLICY WITH A REDUCTION IN COVERAGE AND TO PROVIDE CERTAIN REQUIREMENTS FOR THE REDUCTION IN COVERAGE.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator DAVIS, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

CONCURRENCE

H. 3755 -- Reps. Sandifer, Spires and Anderson: A BILL TO AMEND SECTION 38-77-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO

WEDNESDAY, SEPTEMBER 23, 2020

AUTOMOBILE INSURANCE COVERAGE, SO AS TO REMOVE CERTAIN REQUIREMENTS FOR THE RENEWAL OF AN AUTOMOBILE COVERAGE POLICY AND TO DEFINE THE TERM "REDUCTION IN COVERAGE"; AND TO AMEND SECTION 38-77-120, RELATING TO NOTICE REQUIREMENTS FOR CANCELLATION OR THE REFUSAL TO RENEW A POLICY, SO AS TO ALLOW FOR AN INSURER TO RENEW A POLICY WITH A REDUCTION IN COVERAGE AND TO PROVIDE CERTAIN REQUIREMENTS FOR THE REDUCTION IN COVERAGE.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator DAVIS explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 33; Nays 0

AYES

Alexander	Allen	Campbell
Campsen	Cash	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Grooms
Harpootlian	Hembree	Jackson
Johnson	Leatherman	Loftis
Malloy	Martin	Massey
<i>Matthews, John</i>	McElveen	Nicholson
Peeler	Reese	Rice
Scott	Senn	Setzler
Turner	Williams	Young

Total--33

NAYS

Total--0

On motion of Senator DAVIS, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

WEDNESDAY, SEPTEMBER 23, 2020

HOUSE CONCURRENCES

S. 1233 -- Senator J. Matthews: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF UNITED STATES HIGHWAY 178 AND UNITED STATES HIGHWAY 78 IN DORCHESTER COUNTY "GEORGE BAILEY INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

S. 1281 -- Senators McElveen, Johnson, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M.B. Matthews, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO RECOGNIZE TUESDAY, AUGUST 10, 2021 AS "JA MORANT DAY" IN SOUTH CAROLINA IN HONOR OF THIS OUTSTANDING ATHLETE AND TO CONGRATULATE HIM FOR BEING NAMED THE 2020 NBA ROOKIE OF THE YEAR.

Returned with concurrence.

Received as information.

S. 1282 -- Senators McElveen, Sheheen, McLeod, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M.B. Matthews, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO CONGRATULATE AND RECOGNIZE HAROLD BROWN, CHIEF OF THE ELGIN POLICE DEPARTMENT, UPON THE OCCASION OF HIS RETIREMENT AFTER TWENTY-SEVEN YEARS OF EXEMPLARY SERVICE, AND TO HONOR HIS DEDICATION TO PROTECTING THE CITIZENS OF THE ELGIN COMMUNITY.

Returned with concurrence.

Received as information.

WEDNESDAY, SEPTEMBER 23, 2020

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4021 -- Reps. Clary, W. Newton, R. Williams and Funderburk: A BILL TO AMEND SECTION 51-3-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION OF SWIMMING OR USE OF CABINS AT STATE PARKS, SO AS TO REMOVE THE PROHIBITION; TO AMEND SECTION 51-3-50, RELATING TO THE POWER OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM TO OPEN PARKS TO NORMAL PUBLIC USE, SO AS TO REMOVE A LIMITATION ON THE DEPARTMENT'S POWER; TO REPEAL SECTION 51-3-20 RELATING TO LIMITATIONS ON THE FACILITIES AT STATE PARKS; TO REPEAL SECTION 51-3-30 RELATING TO PENALTIES FOR USING CABINS OR SWIMMING AT A STATE PARK; AND TO REPEAL SECTION 51-3-40 RELATING TO THE LIMITATIONS ON THE OPERATIONS OF CERTAIN STATE PARKS.

HOUSE BILL RETURNED

The following Bill were read the third time and ordered returned to the House with amendments.

H. 3257 -- Reps. Moore, S. Williams, Clyburn, McDaniel, Matthews, Pendarvis, Henderson-Myers, Govan, King, Ridgeway, Hosey, Wheeler, Wooten, Clary, Elliott and W. Cox: A BILL TO AMEND SECTION 59-32-20, AS AMENDED, RELATING TO INSTRUCTIONAL UNITS REQUIRED UNDER THE COMPREHENSIVE HEALTH EDUCATION ACT, SO AS TO REQUIRE THE STATE BOARD OF EDUCATION TO DEVELOP CERTAIN UNITS CONCERNING MENTAL HEALTH AND WELLNESS; AND TO AMEND SECTION 59-32-30, RELATING TO COURSEWORK REQUIREMENTS OF THE COMPREHENSIVE HEALTH EDUCATION ACT, SO AS TO REQUIRE MIDDLE SCHOOLS OFFER ONE ELECTIVE UNIT OF STUDY IN MENTAL HEALTH AND WELLNESS TO SEVENTH GRADE STUDENTS AND TO PROVIDE NINTH GRADE STUDENTS SHALL SUCCESSFULLY COMPLETE ONE UNIT OF STUDY IN MENTAL HEALTH AND WELLNESS.

WEDNESDAY, SEPTEMBER 23, 2020

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3257 -- Reps. Moore, S. Williams, Clyburn, McDaniel, Matthews, Pendarvis, Henderson-Myers, Govan, King, Ridgeway, Hosey, Wheeler, Wooten, Clary, Elliott and W. Cox: A BILL TO AMEND SECTION 59-32-20, AS AMENDED, RELATING TO INSTRUCTIONAL UNITS REQUIRED UNDER THE COMPREHENSIVE HEALTH EDUCATION ACT, SO AS TO REQUIRE THE STATE BOARD OF EDUCATION TO DEVELOP CERTAIN UNITS CONCERNING MENTAL HEALTH AND WELLNESS; AND TO AMEND SECTION 59-32-30, RELATING TO COURSEWORK REQUIREMENTS OF THE COMPREHENSIVE HEALTH EDUCATION ACT, SO AS TO REQUIRE MIDDLE SCHOOLS OFFER ONE ELECTIVE UNIT OF STUDY IN MENTAL HEALTH AND WELLNESS TO SEVENTH GRADE STUDENTS AND TO PROVIDE NINTH GRADE STUDENTS SHALL SUCCESSFULLY COMPLETE ONE UNIT OF STUDY IN MENTAL HEALTH AND WELLNESS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

H. 4431 -- Reps. Jordan, Fry, Rose, Forrest, Anderson, Hyde, B. Cox, Elliott, Morgan, B. Newton, Rutherford, Long, Magnuson, Clemmons, Davis, Taylor, Hewitt, Pope, Ligon, Tallon, D.C. Moss, Blackwell, Kirby, Sandifer, Jefferson, R. Williams, Kimmons, Murphy, Chellis and Daning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 1, TITLE 6 SO AS TO PROVIDE BUSINESS LICENSE TAX REFORM, TO PROVIDE DEFINITIONS, TO PROVIDE FOR THE WAY IN WHICH A BUSINESS LICENSE TAX IS COMPUTED, TO PROVIDE FOR THE WAY IN WHICH TO PURCHASE A BUSINESS LICENSE, TO PROVIDE THAT A TAXING JURISDICTION SHALL ADOPT THE LATEST STANDARDIZED BUSINESS LICENSE

WEDNESDAY, SEPTEMBER 23, 2020

CLASS SCHEDULE, TO PROVIDE THE WAY IN WHICH A BUSINESS LICENSE OFFICIAL SHALL SERVE NOTICE OF ASSESSMENT OF BUSINESS LICENSE TAX DUE; TO AMEND SECTIONS 4-9-30 AND 5-7-30, RELATING TO THE DESIGNATION OF POWERS IN COUNTY GOVERNMENT AND THE POWERS CONFERRED UPON MUNICIPALITIES, RESPECTIVELY, SO AS TO PROVIDE THAT A BUSINESS LICENSE TAX MUST BE GRADUATED ACCORDING TO THE BUSINESS TAXABLE INCOME AND THAT A WHOLESALER DELIVERING GOODS IN CERTAIN INSTANCES IS NOT SUBJECT TO THE BUSINESS LICENSE TAX; TO AMEND SECTION 6-1-120, RELATING TO THE CONFIDENTIALITY OF COUNTY OR MUNICIPAL TAXPAYER INFORMATION, SO AS TO ALLOW THE SHARING OF CERTAIN DATA AND CERTAIN BUSINESS LICENSE TAXES; TO AMEND SECTION 12-4-310, RELATING TO THE DEPARTMENT OF REVENUE'S POWERS AND DUTIES, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL MAKE CERTAIN RECORDS AVAILABLE TO CERTAIN AUTHORITIES LEVYING A TAX BASED ON BUSINESS TAXABLE INCOME.

On motion of Senator MASSEY.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

H. 4431 -- Reps. Jordan, Fry, Rose, Forrest, Anderson, Hyde, B. Cox, Elliott, Morgan, B. Newton, Rutherford, Long, Magnuson, Clemmons, Davis, Taylor, Hewitt, Pope, Ligon, Tallon, D.C. Moss, Blackwell, Kirby, Sandifer, Jefferson, R. Williams, Kimmons, Murphy, Chellis and Daning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 1, TITLE 6 SO AS TO PROVIDE BUSINESS LICENSE TAX REFORM, TO PROVIDE DEFINITIONS, TO PROVIDE FOR THE WAY IN WHICH A BUSINESS LICENSE TAX IS COMPUTED, TO PROVIDE FOR THE WAY IN WHICH TO PURCHASE A BUSINESS LICENSE, TO PROVIDE THAT A TAXING JURISDICTION SHALL ADOPT THE LATEST STANDARDIZED BUSINESS LICENSE CLASS SCHEDULE, TO PROVIDE THE WAY IN WHICH A

WEDNESDAY, SEPTEMBER 23, 2020

BUSINESS LICENSE OFFICIAL SHALL SERVE NOTICE OF ASSESSMENT OF BUSINESS LICENSE TAX DUE; TO AMEND SECTIONS 4-9-30 AND 5-7-30, RELATING TO THE DESIGNATION OF POWERS IN COUNTY GOVERNMENT AND THE POWERS CONFERRED UPON MUNICIPALITIES, RESPECTIVELY, SO AS TO PROVIDE THAT A BUSINESS LICENSE TAX MUST BE GRADUATED ACCORDING TO THE BUSINESS TAXABLE INCOME AND THAT A WHOLESALER DELIVERING GOODS IN CERTAIN INSTANCES IS NOT SUBJECT TO THE BUSINESS LICENSE TAX; TO AMEND SECTION 6-1-120, RELATING TO THE CONFIDENTIALITY OF COUNTY OR MUNICIPAL TAXPAYER INFORMATION, SO AS TO ALLOW THE SHARING OF CERTAIN DATA AND CERTAIN BUSINESS LICENSE TAXES; TO AMEND SECTION 12-4-310, RELATING TO THE DEPARTMENT OF REVENUE'S POWERS AND DUTIES, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL MAKE CERTAIN RECORDS AVAILABLE TO CERTAIN AUTHORITIES LEVYING A TAX BASED ON BUSINESS TAXABLE INCOME.

Very respectfully,

Speaker of the House

Received as information.

**H. 4431--SENATE INSISTS ON THEIR AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

H. 4431 -- Reps. Jordan, Fry, Rose, Forrest, Anderson, Hyde, B. Cox, Elliott, Morgan, B. Newton, Rutherford, Long, Magnuson, Clemmons, Davis, Taylor, Hewitt, Pope, Ligon, Tallon, D.C. Moss, Blackwell, Kirby, Sandifer, Jefferson, R. Williams, Kimmons, Murphy, Chellis and Daning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 1, TITLE 6 SO AS TO PROVIDE BUSINESS LICENSE TAX REFORM, TO PROVIDE DEFINITIONS, TO PROVIDE FOR THE WAY IN WHICH A BUSINESS LICENSE TAX IS COMPUTED, TO PROVIDE FOR THE WAY IN WHICH TO PURCHASE A BUSINESS LICENSE, TO PROVIDE THAT A TAXING JURISDICTION SHALL ADOPT THE LATEST STANDARDIZED BUSINESS LICENSE CLASS SCHEDULE, TO PROVIDE THE WAY IN WHICH A BUSINESS LICENSE OFFICIAL SHALL SERVE NOTICE OF ASSESSMENT OF BUSINESS LICENSE TAX DUE; TO AMEND SECTIONS 4-9-30 AND 5-7-30, RELATING TO THE

WEDNESDAY, SEPTEMBER 23, 2020

DESIGNATION OF POWERS IN COUNTY GOVERNMENT AND THE POWERS CONFERRED UPON MUNICIPALITIES, RESPECTIVELY, SO AS TO PROVIDE THAT A BUSINESS LICENSE TAX MUST BE GRADUATED ACCORDING TO THE BUSINESS TAXABLE INCOME AND THAT A WHOLESALER DELIVERING GOODS IN CERTAIN INSTANCES IS NOT SUBJECT TO THE BUSINESS LICENSE TAX; TO AMEND SECTION 6-1-120, RELATING TO THE CONFIDENTIALITY OF COUNTY OR MUNICIPAL TAXPAYER INFORMATION, SO AS TO ALLOW THE SHARING OF CERTAIN DATA AND CERTAIN BUSINESS LICENSE TAXES; TO AMEND SECTION 12-4-310, RELATING TO THE DEPARTMENT OF REVENUE'S POWERS AND DUTIES, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL MAKE CERTAIN RECORDS AVAILABLE TO CERTAIN AUTHORITIES LEVYING A TAX BASED ON BUSINESS TAXABLE INCOME.

On motion of Senator CROMER, the Senate insisted upon its amendments to H. 4431 and asked for a Committee of Conference.

Whereupon, Senators CROMER, SHEHEEN and CORBIN were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Sandifer, Jordan and Mack to the Committee of Conference on the part of the House on:

H. 4431 -- Reps. Jordan, Fry, Rose, Forrest, Anderson, Hyde, B. Cox, Elliott, Morgan, B. Newton, Rutherford, Long, Magnuson, Clemmons, Davis, Taylor, Hewitt, Pope, Ligon, Tallon, D.C. Moss, Blackwell, Kirby, Sandifer, Jefferson, R. Williams, Kimmons, Murphy, Chellis and Daning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 1, TITLE 6 SO AS TO PROVIDE BUSINESS LICENSE TAX REFORM, TO PROVIDE DEFINITIONS, TO PROVIDE FOR THE WAY IN WHICH A BUSINESS LICENSE TAX IS COMPUTED, TO PROVIDE FOR THE WAY IN WHICH TO PURCHASE A BUSINESS

WEDNESDAY, SEPTEMBER 23, 2020

LICENSE, TO PROVIDE THAT A TAXING JURISDICTION SHALL ADOPT THE LATEST STANDARDIZED BUSINESS LICENSE CLASS SCHEDULE, TO PROVIDE THE WAY IN WHICH A BUSINESS LICENSE OFFICIAL SHALL SERVE NOTICE OF ASSESSMENT OF BUSINESS LICENSE TAX DUE; TO AMEND SECTIONS 4-9-30 AND 5-7-30, RELATING TO THE DESIGNATION OF POWERS IN COUNTY GOVERNMENT AND THE POWERS CONFERRED UPON MUNICIPALITIES, RESPECTIVELY, SO AS TO PROVIDE THAT A BUSINESS LICENSE TAX MUST BE GRADUATED ACCORDING TO THE BUSINESS TAXABLE INCOME AND THAT A WHOLESALER DELIVERING GOODS IN CERTAIN INSTANCES IS NOT SUBJECT TO THE BUSINESS LICENSE TAX; TO AMEND SECTION 6-1-120, RELATING TO THE CONFIDENTIALITY OF COUNTY OR MUNICIPAL TAXPAYER INFORMATION, SO AS TO ALLOW THE SHARING OF CERTAIN DATA AND CERTAIN BUSINESS LICENSE TAXES; TO AMEND SECTION 12-4-310, RELATING TO THE DEPARTMENT OF REVENUE'S POWERS AND DUTIES, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL MAKE CERTAIN RECORDS AVAILABLE TO CERTAIN AUTHORITIES LEVYING A TAX BASED ON BUSINESS TAXABLE INCOME.

Very respectfully,

Speaker of the House

Received as information.

**H. 4431--FREE CONFERENCE POWERS GRANTED
FREE CONFERENCE COMMITTEE APPOINTED
REPORT OF THE COMMITTEE OF FREE CONFERENCE
ADOPTED**

H. 4431 -- Reps. Jordan, Fry, Rose, Forrest, Anderson, Hyde, B. Cox, Elliott, Morgan, B. Newton, Rutherford, Long, Magnuson, Clemmons, Davis, Taylor, Hewitt, Pope, Ligon, Tallon, D.C. Moss, Blackwell, Kirby, Sandifer, Jefferson, R. Williams, Kimmons, Murphy, Chellis and Daning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 1, TITLE 6 SO AS TO PROVIDE BUSINESS LICENSE TAX REFORM, TO PROVIDE DEFINITIONS, TO PROVIDE FOR THE WAY IN WHICH A BUSINESS LICENSE TAX IS COMPUTED, TO PROVIDE FOR THE WAY IN WHICH TO PURCHASE A BUSINESS LICENSE, TO PROVIDE THAT A TAXING JURISDICTION SHALL

WEDNESDAY, SEPTEMBER 23, 2020

ADOPT THE LATEST STANDARDIZED BUSINESS LICENSE CLASS SCHEDULE, TO PROVIDE THE WAY IN WHICH A BUSINESS LICENSE OFFICIAL SHALL SERVE NOTICE OF ASSESSMENT OF BUSINESS LICENSE TAX DUE; TO AMEND SECTIONS 4-9-30 AND 5-7-30, RELATING TO THE DESIGNATION OF POWERS IN COUNTY GOVERNMENT AND THE POWERS CONFERRED UPON MUNICIPALITIES, RESPECTIVELY, SO AS TO PROVIDE THAT A BUSINESS LICENSE TAX MUST BE GRADUATED ACCORDING TO THE BUSINESS TAXABLE INCOME AND THAT A WHOLESALER DELIVERING GOODS IN CERTAIN INSTANCES IS NOT SUBJECT TO THE BUSINESS LICENSE TAX; TO AMEND SECTION 6-1-120, RELATING TO THE CONFIDENTIALITY OF COUNTY OR MUNICIPAL TAXPAYER INFORMATION, SO AS TO ALLOW THE SHARING OF CERTAIN DATA AND CERTAIN BUSINESS LICENSE TAXES; TO AMEND SECTION 12-4-310, RELATING TO THE DEPARTMENT OF REVENUE'S POWERS AND DUTIES, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL MAKE CERTAIN RECORDS AVAILABLE TO CERTAIN AUTHORITIES LEVYING A TAX BASED ON BUSINESS TAXABLE INCOME.

On motion of Senator CROMER, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator SHEHEEN spoke on the report.

Senator CROMER spoke on the report.

H. 4431--Free Conference Powers Granted

Free Conference Committee Appointed

Senator SHEHEEN asked unanimous consent to be granted Free Conference Powers.

The question then was granting of Free Conference Powers.

Free Conference Powers were granted.

Whereupon, Senators CROMER, SHEHEEN and CORBIN were appointed to the Committee of Free Conference on the part of the Senate and a message was sent to the House accordingly.

WEDNESDAY, SEPTEMBER 23, 2020

The question then was adoption of the Report of the Committee of Free Conference.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 35; Nays 1

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin
Davis	Fanning	Gambrell
Goldfinch	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Leatherman	Loftis
Malloy	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Senn
Setzler	Sheheen	Turner
Williams	Young	

Total--35

NAYS

Cromer

Total--1

On motion of Senator CROMER, the Report of the Committee of Free Conference to H. 4431 was adopted as follows:

H. 4431--Free Conference Report

The General Assembly, Columbia, S.C., September 23, 2020

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 4431 -- Reps. Jordan, Fry, Rose, Forrest, Anderson, Hyde, B. Cox, Elliott, Morgan, B. Newton, Rutherford, Long, Magnuson, Clemmons, Davis, Taylor, Hewitt, Pope, Ligon, Tallon, D.C. Moss, Blackwell, Kirby, Sandifer, Jefferson, R. Williams, Kimmons, Murphy, Chellis and Daning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 1, TITLE 6 SO AS TO PROVIDE BUSINESS LICENSE TAX REFORM,

WEDNESDAY, SEPTEMBER 23, 2020

TO PROVIDE DEFINITIONS, TO PROVIDE FOR THE WAY IN WHICH A BUSINESS LICENSE TAX IS COMPUTED, TO PROVIDE FOR THE WAY IN WHICH TO PURCHASE A BUSINESS LICENSE, TO PROVIDE THAT A TAXING JURISDICTION SHALL ADOPT THE LATEST STANDARDIZED BUSINESS LICENSE CLASS SCHEDULE, TO PROVIDE THE WAY IN WHICH A BUSINESS LICENSE OFFICIAL SHALL SERVE NOTICE OF ASSESSMENT OF BUSINESS LICENSE TAX DUE; TO AMEND SECTIONS 4-9-30 AND 5-7-30, RELATING TO THE DESIGNATION OF POWERS IN COUNTY GOVERNMENT AND THE POWERS CONFERRED UPON MUNICIPALITIES, RESPECTIVELY, SO AS TO PROVIDE THAT A BUSINESS LICENSE TAX MUST BE GRADUATED ACCORDING TO THE BUSINESS TAXABLE INCOME AND THAT A WHOLESALER DELIVERING GOODS IN CERTAIN INSTANCES IS NOT SUBJECT TO THE BUSINESS LICENSE TAX; TO AMEND SECTION 6-1-120, RELATING TO THE CONFIDENTIALITY OF COUNTY OR MUNICIPAL TAXPAYER INFORMATION, SO AS TO ALLOW THE SHARING OF CERTAIN DATA AND CERTAIN BUSINESS LICENSE TAXES; TO AMEND SECTION 12-4-310, RELATING TO THE DEPARTMENT OF REVENUE'S POWERS AND DUTIES, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL MAKE CERTAIN RECORDS AVAILABLE TO CERTAIN AUTHORITIES LEVYING A TAX BASED ON BUSINESS TAXABLE INCOME.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 09/22/20-S.)

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. This act may be cited as the "South Carolina Business License Tax Standardization Act".

SECTION 2. Article 3, Chapter 1, Title 6 of the 1976 Code is amended by adding:

"Section 6-1-400. (A)(1) Unless otherwise specifically provided for by state law, a county or municipality that levies a business license tax must comply with the provisions of this article.

(2) As used in this article:

WEDNESDAY, SEPTEMBER 23, 2020

(a) 'Business license' means a license issued to a taxpayer by a county or municipality for the privilege of doing business in that county or municipality.

(b) 'Taxing jurisdiction' means a county or municipality levying a business license tax.

(c) 'Taxpayer' means an individual, firm, partnership, limited liability partnership, limited liability corporation, corporation, trust, estate, association, or company.

(B)(1) A business license must be issued to a taxpayer for a twelve-month period beginning May first and ending April thirtieth. Each business license issued must expire April thirtieth or, if issued on a construction contract, at the completion of the construction project. The business license must be renewed before May first of the year in which it expires. If the tax is not paid before May first, then a taxing jurisdiction may impose penalties, except that an admitted insurance company may pay before June first without penalty.

(2) The business license tax must be computed based on the gross income for the calendar year preceding the due date, for the business's twelve-month fiscal year preceding the due date, or on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The tax for a new business must be computed on the estimated probable gross income for the balance of the license year. A business license related to construction contract projects may be issued on a per project basis, at the option of the taxpayer.

(3) A taxpayer is entitled to a refund if he submits a business license tax payment that is greater than the amount owed. The refund must be requested by the taxpayer before June first. The taxing jurisdiction shall issue the refund to the taxpayer within thirty days of the taxpayer's request for the refund.

(C) Wholesalers are exempt from business license taxes unless they maintain warehouses or distribution establishments within the taxing jurisdiction. A wholesale transaction involves a sale to an individual who will resell the goods and includes delivery of the goods to the reseller. It does not include a sale of goods to a user or consumer. The provisions of this article do not amend or repeal Sections 12-21-1085 or 12-33-20.

(D)(1) For the purposes of this article:

(a) 'Charitable organization' means an organization that is determined by the Internal Revenue Service to be exempt from federal income taxes under 26 U.S.C. Section 501 (c)(3), (4), (6), (7), (8), (10) or (19).

WEDNESDAY, SEPTEMBER 23, 2020

(b) ‘Charitable purpose’ means a benevolent, philanthropic, patriotic, or eleemosynary purpose that does not result in personal gain to a sponsor, organizer, officer, director, trustee, or person with ultimate control of a charitable organization.

(2) A charitable organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A charitable organization, or any for-profit affiliate of a charitable organization, that reports income from for-profit activities, or unrelated business income, for federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.

(3)(a) A charitable organization shall be deemed a business subject to a business license tax on its total gross income if:

(i) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a charitable organization as defined in this section; or

(ii) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a charitable purpose as defined in this section.

(b) Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee, or person with ultimate control of a charitable organization shall not be deemed a necessary expense of operation.

(E)(1) For the purposes of this article:

(a) ‘Gross income’ means the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within a taxing jurisdiction. For taxing jurisdictions in which the person or business has a domicile, business done within that taxing jurisdiction shall include all gross receipts or revenue received or accrued by such person or business, excepting income earned outside of the taxing jurisdiction on which a license tax is paid by the person or business to some other taxing jurisdiction and fully reported to the taxing jurisdiction. For taxing jurisdictions in which the person or business does not have a domicile, business done within that taxing jurisdiction shall include only gross receipts or revenue received or accrued within such taxing jurisdiction. In all cases, if the taxpayer pays a business license tax to another county or municipality, then the taxpayer’s gross income for the purpose of

WEDNESDAY, SEPTEMBER 23, 2020

computing the tax within the taxing jurisdiction must be reduced by the amount of gross income taxed in the other county or municipality.

(b) 'Gross income for agents' means gross commissions received or retained. If commissions are divided with other brokers or agents, then only the amount retained by the broker or agent is considered gross income.

(c) 'Gross income for insurance companies' means gross premiums written.

(d) 'Gross income for manufacturers of goods or materials with a location in a taxing jurisdiction' is the lesser of gross income collected from business done at the location, the amount of income allocated and apportioned to that location by the business for purposes of the business's state income tax return, or the amount of expenses attributable to the location as a cost center of the business. Manufacturers include those taxpayers reporting a manufacturing principal business activity code on their federal income tax returns.

(e) Gross income for telecommunications providers is subject to the provisions of Article 20, Chapter 9, Title 58.

(2) Gross income for business license tax purposes may not include taxes collected for a governmental entity, escrow funds, or funds that are the property of a third party. The value of bartered goods or trade in merchandise may be included in gross income.

(3) The gross receipts or gross revenues for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other governmental agencies.

(F) Each taxing jurisdiction shall accept a standard business license application as established and provided by the Director of the Revenue and Fiscal Affairs Office.

(G)(1) By December thirty-first of every odd year, a taxing jurisdiction levying a business license tax shall adopt, by ordinance, the latest Standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina and adopted by the Director of the Revenue and Fiscal Affairs Office. The Municipal Association of South Carolina shall determine and revise the Standardized Business License Class Schedule every even year using the latest available nationwide Internal Revenue Service statistics for the calculation of profitability of businesses and using the latest business classification codes of the latest North American Industry Classification System (NAICS).

WEDNESDAY, SEPTEMBER 23, 2020

(2) A taxing jurisdiction, upon a finding of a rational basis as explained in its ordinance and by a positive majority vote of county or municipal council, may provide for additional reasonable subclassifications, described by an NAICS sector, subsector, or industry, based upon particularized considerations as needed for economic stimulus or the enhanced or disproportionate demands by specific business subclassifications on taxing jurisdiction services or infrastructure.

(H)(1) Any special ordinance, formal agreement, or informal agreement entered into between a taxing jurisdiction and a taxpayer regarding rate classes, an annual flat fee, or the calculation of business license taxes that was adopted by ordinance or agreed to before enactment of this subsection is considered valid upon the approval of the taxpayer. A taxpayer may prove the existence and terms of an agreement through direct or circumstantial evidence, including evidence of prior payment accepted.

(2) This section does not impair or affect any future special business license ordinance passed for economic stimulus, an annual flat fee, or any future formal or informal agreement between a taxing jurisdiction and a taxpayer regarding the calculation of business license taxes.

(I)(1) A taxing jurisdiction must establish its 2022 Business License Tax Rate Schedule using the gross income reported by businesses for a twelve-month period in the 2020 business license year so that the aggregate taxing jurisdiction business license tax calculated for 2022 does not exceed the aggregate taxing jurisdiction business license tax collected in 2020 from the same businesses.

(2) If the rate for an NAICS sector, subsector, or industry is unchanged from 2020 to 2022, then the business license tax collections may be excluded from the calculation set forth in item (1).

(J)(1) A taxing jurisdiction shall provide access to taxpayers for the reporting, calculation, and payment of business license taxes through the business license tax portal hosted and managed by the Revenue and Fiscal Affairs Office, subject to the availability and capability of the portal. Any limitations in portal availability or capability do not relieve taxpayers from existing business license or business license tax obligations. Any audit of income or assessment of tax reported through the business license tax portal must be undertaken by the taxing jurisdiction. Data obtained through the business license tax portal may not be used by parties other than the taxing jurisdictions for statewide analytics or any other purpose not specified in this section. Parties other

WEDNESDAY, SEPTEMBER 23, 2020

than the taxing jurisdictions are prohibited from auditing a taxpayer using the business license tax portal. A taxing jurisdiction shall receive the entirety of the business license tax paid to it by a taxpayer through the business license tax portal. In addition to allowing a payment through the business license tax portal, a taxing jurisdiction shall allow a taxpayer to file and pay its business license tax in person at a location within the taxing jurisdiction, by telephone, by mail, or through an online payment system in existence on January 1, 2018, or prior, that is owned and operated by the taxing jurisdiction.

(2) The Revenue and Fiscal Affairs Office is authorized to contract with software providers and payment processors for the purposes of implementing the provisions of this section. The Revenue and Fiscal Affairs Office may promulgate regulations to carry out the provisions of this section. The software provider may not retain any portion of the business license tax paid by the taxpayer to a taxing jurisdiction through the business license tax portal.

(3) The Revenue and Fiscal Affairs Office is authorized to expend any funds carried forward from previous fiscal years for the purpose of implementing the provisions of this section. Expenditures may not exceed the actual cost of implementing the provisions of this section.

Section 6-1-410. (A) If a taxpayer fails or refuses to pay a business license tax by May first or, for business license taxes collected pursuant to Article 20, Chapter 9, Title 58 and Chapters 7 and 46 of Title 38, the date on which the business license tax is due, the taxing jurisdiction business license official may serve notice of assessment of the business license tax due on the taxpayer by mail or personal service. Within thirty days after the date of postmark or personal service, a taxpayer may request, in writing with reasons stated, an adjustment of the assessment. An informal conference between the taxing jurisdiction business license official and the taxpayer must be held within fifteen days of the receipt of the request, at which time the taxpayer may present any information or documents in support of the requested adjustment. Within five days after the conference, the taxing jurisdiction business license official shall issue a notice of final assessment and serve the taxpayer by mail or personal service with the notice and provide a form for any further appeal of the assessment by the taxpayer.

(B) Within thirty days after the date of postmark or personal service, the taxpayer may appeal the notice of final assessment by filing the completed appeal form with the taxing jurisdiction business license official, by mail or personal service, and by paying to the taxing jurisdiction in protest at least eighty percent of the business license tax

WEDNESDAY, SEPTEMBER 23, 2020

based on the final assessment. The appeal must be heard and determined by the taxing jurisdiction council or its designated appeals officer or appeals board. The taxing jurisdiction council or its designee shall provide the taxpayer with written notice of the hearing and with any rules of evidence or procedure prescribed by the taxing jurisdiction council or its designee. The hearing must be held within thirty days after receipt of the appeal form unless continued to another date by agreement of the parties. A hearing by the taxing jurisdiction council, its designee, or the appeals board must be held at a regular or special meeting of the taxing jurisdiction council or appeals board. At the appeals hearing, the taxpayer and the taxing jurisdiction have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The hearing must be recorded and must be transcribed at the expense of the party so requesting. The taxing jurisdiction council, its designee, or the appeals board shall decide the assessment by majority vote. The taxing jurisdiction council, its designee, the appeals board, or the designated appeals officer shall issue a written decision explaining the basis for the decision with findings of fact and conclusions and shall inform the taxpayer of the right to request a contested case hearing before the Administrative Law Court. The written decision must be filed with the taxing jurisdiction business license official and served on the taxpayer by mail or personal service. The decision is the final decision of the taxing jurisdiction on the assessment.

(C) Within thirty days after the date of postmark or personal service of the taxing jurisdiction's written decision on the assessment, a taxpayer may appeal the decision to the Administrative Law Court in accordance with the rules of the Administrative Law Court.

(D) For the purposes of this section, 'business license official' means the officer, employee, or agent designated by the taxing jurisdiction as having primary responsibility for business licensing within the taxing jurisdiction.

Section 6-1-420. (A) Notwithstanding Section 5-7-300, a taxing jurisdiction may contract by ordinance with an individual, firm, or organization to assist the taxing jurisdiction in collecting property or business license taxes. A private third-party entity is prohibited from assessing business license taxes or requiring a business entity to remit confidential business license tax data to that private third party on behalf of a taxing jurisdiction. This section may not prohibit a taxing jurisdiction from contracting with a third-party entity in assisting in the collection of business license taxes. For the purposes of this section, assisting in the collection of business license taxes is limited to a

WEDNESDAY, SEPTEMBER 23, 2020

contractual agreement with a taxing jurisdiction for a third party to identify, through publicly available records, businesses that are operating within the contracting taxing jurisdiction without a business license, to provide that identification to a taxing jurisdiction, to communicate with those businesses identified to determine whether any business license taxes are due and owing, and to assist those businesses that owe a business license tax with paying the relevant taxing jurisdiction. The third party may also assist the contracting taxing jurisdiction with providing, by United States official mail or electronic mail, the taxing jurisdiction's business license form, along with a self-addressed envelope containing the taxing jurisdiction address, to identified businesses on behalf of the taxing jurisdiction. If a business requests in writing that the third party cease communication with the business, then the third party is strictly prohibited from any further contact. A third party assisting in the collection of business license taxes as defined in this section is prohibited from retaining personal or proprietary information from the identified business.

(B) It is unlawful for any individual, firm, or organization to contact a business in this State regarding noncompliance with a business license ordinance unless the contact is made pursuant to a contract with a taxing jurisdiction in accordance with this section.

(C) This section may not prohibit a taxing jurisdiction from contracting with a third party for the purpose of providing payment processing services for the acceptance of business license tax payments.

(D) A taxing jurisdiction may enter into a contract with a third party to assist the taxing jurisdiction in collecting delinquent business license taxes which includes a contingency fee based on a percentage of taxes collected or otherwise depends on the specific result obtained provided the third party may not be paid on a contingency or success basis until the taxing jurisdiction issues a proposed assessment of business license taxes and the business fails to appeal the proposed assessment in a timely manner or the appeal is adjudicated. This section does not apply to the collection of business license taxes pursuant to Article 20, Chapter 9, Title 58 and Chapters 7 and 45 of Title 38.

(E) Except as needed for a third party to assess and collect business license taxes collected pursuant to Article 20, Chapter 9, Title 58 and Chapters 7 and 45 of Title 38, a taxing jurisdiction may not share or disclose any information relating to business license tax applications with any third party other than to acknowledge whether or not a business has paid the taxing jurisdiction's business license tax for a relevant year. Nothing in this section should be construed as prohibiting a person or

WEDNESDAY, SEPTEMBER 23, 2020

entity that gathers and disseminates news, as defined in Section 19-11-100, from obtaining the information not protected by Section 6-1-120 found on the business license tax application from the taxing jurisdiction.

(F) A third-party entity contracting with a taxing jurisdiction to assist in identifying and collecting outstanding business license taxes may not engage in any conduct in which the natural consequence is to harass a business, including, but not limited to the following:

(1) contacting a business in any capacity after the business informs the third-party entity in writing to cease communication;

(2) stating that a business is required to provide any information to the third-party entity; or

(3) contacting the business in a manner that the third-party entity knows or should know creates any meaningful business interruption.

(G) The provisions of subsection (A) of this section do not apply to business license taxes collected pursuant to Article 20, Chapter 9, Title 58 and Chapters 7 and 45 of Title 38.

(H)(1) A person or entity may bring a private right of action:

(a) based on a violation of this section or any regulations prescribed pursuant to this section to enjoin such violation;

(b) to recover for actual monetary loss from such a violation, or to receive five hundred dollars in damages for each violation, whichever is greater; or

(c) for both actions described in subitems (a) and (b).

(2) If the court finds that a defendant wilfully or knowingly violated this section or any regulations prescribed pursuant to this section, then the court may, in its discretion, increase the amount of the award to an amount equal to no more than three times the actual monetary loss resulting from such violation.”

SECTION 3. Section 6-1-420 of this act takes effect upon approval by the Governor. The remaining sections of this act take effect January 1, 2022. /

Amend title to conform.

Sen. Ronnie W. Cromer	/s/Rep. Bill Sandifer
/s/Senator Vincent A. Sheheen	/s/Rep. David James Mack III
/s/Senator Thomas D. “Tom” Corbin	/s/Representative Wallace A. “Jay” Jordan, Jr.

On Part of the Senate.

On Part of the House.

, and a message was sent to the House accordingly.

WEDNESDAY, SEPTEMBER 23, 2020

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has requested and was granted Free Conference Powers and has appointed Reps. Sandifer, Jordan and Mack to the Committee of Free Conference on the part of the House on:

H. 4431 -- Reps. Jordan, Fry, Rose, Forrest, Anderson, Hyde, B. Cox, Elliott, Morgan, B. Newton, Rutherford, Long, Magnuson, Clemmons, Davis, Taylor, Hewitt, Pope, Ligon, Tallon, D.C. Moss, Blackwell, Kirby, Sandifer, Jefferson, R. Williams, Kimmons, Murphy, Chellis and Daning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 1, TITLE 6 SO AS TO PROVIDE BUSINESS LICENSE TAX REFORM, TO PROVIDE DEFINITIONS, TO PROVIDE FOR THE WAY IN WHICH A BUSINESS LICENSE TAX IS COMPUTED, TO PROVIDE FOR THE WAY IN WHICH TO PURCHASE A BUSINESS LICENSE, TO PROVIDE THAT A TAXING JURISDICTION SHALL ADOPT THE LATEST STANDARDIZED BUSINESS LICENSE CLASS SCHEDULE, TO PROVIDE THE WAY IN WHICH A BUSINESS LICENSE OFFICIAL SHALL SERVE NOTICE OF ASSESSMENT OF BUSINESS LICENSE TAX DUE; TO AMEND SECTIONS 4-9-30 AND 5-7-30, RELATING TO THE DESIGNATION OF POWERS IN COUNTY GOVERNMENT AND THE POWERS CONFERRED UPON MUNICIPALITIES, RESPECTIVELY, SO AS TO PROVIDE THAT A BUSINESS LICENSE TAX MUST BE GRADUATED ACCORDING TO THE BUSINESS TAXABLE INCOME AND THAT A WHOLESALER DELIVERING GOODS IN CERTAIN INSTANCES IS NOT SUBJECT TO THE BUSINESS LICENSE TAX; TO AMEND SECTION 6-1-120, RELATING TO THE CONFIDENTIALITY OF COUNTY OR MUNICIPAL TAXPAYER INFORMATION, SO AS TO ALLOW THE SHARING OF CERTAIN DATA AND CERTAIN BUSINESS LICENSE TAXES; TO AMEND SECTION 12-4-310, RELATING TO THE DEPARTMENT OF REVENUE'S POWERS AND DUTIES, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL MAKE CERTAIN RECORDS AVAILABLE TO CERTAIN AUTHORITIES LEVYING A TAX BASED ON BUSINESS TAXABLE INCOME.

Very respectfully,

WEDNESDAY, SEPTEMBER 23, 2020

Speaker of the House
Received as information.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Free Conference on:

H. 4431 -- Reps. Jordan, Fry, Rose, Forrest, Anderson, Hyde, B. Cox, Elliott, Morgan, B. Newton, Rutherford, Long, Magnuson, Clemmons, Davis, Taylor, Hewitt, Pope, Ligon, Tallon, D.C. Moss, Blackwell, Kirby, Sandifer, Jefferson, R. Williams, Kimmons, Murphy, Chellis and Daning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 1, TITLE 6 SO AS TO PROVIDE BUSINESS LICENSE TAX REFORM, TO PROVIDE DEFINITIONS, TO PROVIDE FOR THE WAY IN WHICH A BUSINESS LICENSE TAX IS COMPUTED, TO PROVIDE FOR THE WAY IN WHICH TO PURCHASE A BUSINESS LICENSE, TO PROVIDE THAT A TAXING JURISDICTION SHALL ADOPT THE LATEST STANDARDIZED BUSINESS LICENSE CLASS SCHEDULE, TO PROVIDE THE WAY IN WHICH A BUSINESS LICENSE OFFICIAL SHALL SERVE NOTICE OF ASSESSMENT OF BUSINESS LICENSE TAX DUE; TO AMEND SECTIONS 4-9-30 AND 5-7-30, RELATING TO THE DESIGNATION OF POWERS IN COUNTY GOVERNMENT AND THE POWERS CONFERRED UPON MUNICIPALITIES, RESPECTIVELY, SO AS TO PROVIDE THAT A BUSINESS LICENSE TAX MUST BE GRADUATED ACCORDING TO THE BUSINESS TAXABLE INCOME AND THAT A WHOLESALER DELIVERING GOODS IN CERTAIN INSTANCES IS NOT SUBJECT TO THE BUSINESS LICENSE TAX; TO AMEND SECTION 6-1-120, RELATING TO THE CONFIDENTIALITY OF COUNTY OR MUNICIPAL TAXPAYER INFORMATION, SO AS TO ALLOW THE SHARING OF CERTAIN DATA AND CERTAIN BUSINESS LICENSE TAXES; TO AMEND SECTION 12-4-310, RELATING TO THE DEPARTMENT OF REVENUE'S POWERS AND DUTIES, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL MAKE CERTAIN RECORDS AVAILABLE TO CERTAIN AUTHORITIES LEVYING A TAX BASED ON BUSINESS TAXABLE INCOME.

WEDNESDAY, SEPTEMBER 23, 2020

Very respectfully,
Speaker of the House
Received as information.

**AMENDED, READ THE THIRD TIME
RETURNED TO HOUSE**

H. 3359 -- Reps. Yow and R. Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-1-151 SO AS TO PROVIDE THAT AN APPLICANT FOR A DRIVER'S LICENSE MAY APPLY TO OBTAIN A VETERAN DESIGNATION ON HIS DRIVER'S LICENSE; AND TO AMEND SECTION 56-1-3350, RELATING TO THE ISSUANCE OF SPECIAL IDENTIFICATION CARDS AND DRIVERS' LICENSES THAT CONTAIN A VETERAN DESIGNATION, SO AS TO DELETE THE PROVISION THAT PROVIDES THAT AN APPLICANT FOR A DRIVER'S LICENSE MAY APPLY TO OBTAIN A VETERAN DESIGNATION ON HIS DRIVER'S LICENSE.

The Senate proceeded to a consideration of the Bill.

Senator GROOMS explained the House amendments.

Senators GROOMS, YOUNG and LOFTIS proposed the following amendment (3359R001.SP.R002.SP.LKG), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“ARTICLE 147

‘Drivers For a Cure’ Special License Plates

Section 56-3-14710. (A) The Department of Motor Vehicles may issue ‘Drivers For a Cure’ special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, and motorcycles, as defined in Section 56-1-10, registered in their names. Each special license plate must be issued or revalidated for a biennial period that expires twenty-four months from the month the special license plate is issued.

(B) This special license plate must be the same size and general design as regular motor vehicle license plates.

(C) The requirements for production, collection, and distribution of fees for the plate are those set forth in Section 56-3-8100. The biennial fee for each special license plate is thirty dollars plus the regular motor

WEDNESDAY, SEPTEMBER 23, 2020

vehicle license fee set forth in Article 5, Chapter 3, Title 56. Any portion of the thirty dollar fee in excess of the costs of production and distribution of the license plates must be distributed to the Duke Cancer Institute.”

SECTION 2. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

Senators GROOMS, MALLOY, WILLIAMS and LOFTIS proposed the following amendment (3359R002.SP.LKG), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/SECTION __. Section 56-3-210(A)(9)(b) is amended to read:

“(b) Counties and other nondealer entities may receive temporary license plates from a registered distributor or the department. The department must receive all temporary tags from a statewide automobile dealer association.” /

Renumber sections to conform.
Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

The question being third reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 34; Nays 0

AYES

Alexander	Allen	Campbell
Campsen	Cash	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Grooms
Harpootlian	Hembree	Jackson
Johnson	Leatherman	Loftis
Malloy	Martin	Massey

WEDNESDAY, SEPTEMBER 23, 2020

<i>Matthews, John</i>	McElveen	Nicholson
Peeler	Reese	Rice
Sabb	Scott	Senn
Setzler	Turner	Williams
Young		

Total--34

NAYS

Total--0

There being no further amendments, the Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

Motion Adopted

Senator GROOMS moved to recall the Bill from the House of Representatives.

The motion was adopted.

RECESS

At 2:26 P.M., on motion of Senator MASSEY, the Senate recessed from business until 3:30 P.M.

At 3:40 P.M., the Senate resumed.

**THE SENATE PROCEEDED TO A CONSIDERATION OF
REPORTS OF COMMITTEES OF CONFERENCE AND FREE
CONFERENCE.**

**H. 3210--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

H. 3210 -- Reps. Loftis, Clyburn, Collins, Burns, Clary, W. Cox, Morgan, Hyde, Stringer, Elliott, B. Cox, Gagnon, Caskey, Bannister, Willis, Sottile, Stavrinakis, Daning, Blackwell, Taylor, Forrester, Fry, West, Finlay, Simrill, V.S. Moss, Bryant, Bales, D.C. Moss, Erickson, Herbkersman, Whitmire and Weeks: A BILL TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

WEDNESDAY, SEPTEMBER 23, 2020

On motion of Senator ALEXANDER, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator ALEXANDER spoke on the report.

Senator SETZLER spoke on the Conference Report.

The question then was adoption of the Report of Committee of Conference.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 2

AYES

Alexander	Allen	Campbell
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Jackson	Johnson	Leatherman
Loftis	Malloy	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Sabb	Scott	Senn
Setzler	Sheheen	Talley
Turner	Williams	Young

Total--39

NAYS

Cash	Rice
------	------

Total--2

The Committee of Conference Committee was adopted as follows:

WEDNESDAY, SEPTEMBER 23, 2020

Statement by Senator CAMPSEN

Each session, under the provisions of Section 8-13-700, I abstain from consideration of and voting on matters pertaining to the Patriots Point Development Authority. Consistent with that practice, I abstain from consideration and voting on any matters contained within H. 3210 pertaining to the Patriots Point Development Authority.

H. 3210--Conference Report

The General Assembly, Columbia, S.C., September 23, 2020

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3210 -- Reps. Loftis, Clyburn, Collins, Burns, Clary, W. Cox, Morgan, Hyde, Stringer, Elliott, B. Cox, Gagnon, Caskey, Bannister, Willis, Sottile, Stavrinakis, Daning, Blackwell, Taylor, Forrester, Fry, West, Finlay, Simrill, V.S. Moss, Bryant, Bales, D.C. Moss, Erickson, Herbkersman, Whitmire and Weeks: A BILL TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ PART I

Expenditure Authorizations and Reimbursement

SECTION 1. The State of South Carolina received funds from the federal "Coronavirus Aid, Relief, and Economic Security Act" (hereinafter referred to as the CARES Act). A portion of those funds have been reimbursed for authorized expenditures pursuant to Act 142 of 2020. The source of revenue authorized for expenditure and reimbursement in SECTION 3 is the remaining portion of the CARES Act funds that remain on deposit in the Coronavirus Relief Fund established and maintained by the Executive Budget Office pursuant to Act 135 of 2020.

SECTION 2. (A) The expenditure authorizations contained in SECTION 3(A), (C), and (G) are supplemental to the expenditure authorizations for the same purposes as contained in Act 142 of 2020. The remaining expenditure authorizations contained in SECTION 3 may

WEDNESDAY, SEPTEMBER 23, 2020

be reimbursed by the Executive Budget Office from the Coronavirus Relief Fund.

(B) State agencies, institutions of higher learning, including technical colleges, counties, municipalities, special purpose districts, and hospitals shall maximize the use of federal funds made available in this Act wherever possible within the allowable uses. If any reimbursement to any recipient, or subrecipient, resulting from an authorization contained herein is disallowed by federal law, then the recipient or subrecipient shall promptly return the funds disbursed to the Executive Budget Office for deposit in the Coronavirus Relief Fund.

(C) To maximize the benefit of all funds received by the State, all state agencies, institutions of higher learning, including technical colleges, counties, municipalities, special purpose districts, and hospitals are directed to coordinate expenditure reimbursements through, and in consultation with, the Department of Administration and the grant manager. State agencies, and institutions of higher learning, including technical colleges, shall submit to the Executive Budget Office a detailed budget plan for any funding received that is related to COVID-19, regardless of the source. Counties, municipalities, special purpose districts, hospitals, and independent colleges and universities shall submit to the Executive Budget Office information sufficient to identify other COVID-19 related funding that they are receiving, regardless of the source, and provide a detailed accounting of how the funding is being used.

SECTION 3. State agencies and higher education institutions are authorized to expend federal funds in the Coronavirus Relief Fund if the expenditure is in compliance with the CARES Act. The Executive Budget Office is authorized to reimburse from the Coronavirus Relief Fund, up to the amounts listed below in each category, expenditures compliant with the CARES Act by the following sectors: state agencies, institutions of higher learning, counties, municipalities, special purpose districts, public and private hospitals, nonprofit and minority and small businesses.

(A) Department of Health and Environmental Control Statewide Testing and Monitoring.....	\$ 73,022,613
(B) Medical University of South Carolina Statewide Testing	\$ 20,150,000
(C) Department of Employment and Workforce Unemployment Trust Fund.....	\$420,000,000
(E) Department of Administration Nonprofit Relief Program	\$ 25,000,000

WEDNESDAY, SEPTEMBER 23, 2020

- (F) Department of Administration Minority and Small Business Relief Program... ..\$ 40,000,000
- (G) Department of Administration State, Local Government and Independent College and University Expenditures...
\$115,000,000

PART II

Directives to Receiving Entities

SECTION 4. The Department of Education is authorized to utilize unexpended authorizations contained Section 3(B) of Act 142 of 2020 for the costs associated with the following:

(1) School safety measures taken in response to COVID-19 including, but not limited to, purchasing masks, gloves, wipes, hand sanitizer, face shields, cleaning solution, Plexiglas, and other cleaning equipment and supplies.

(2) Additional expenses incurred by Virtual SC in response to COVID-19.

(3) Hire or contract for school nurse services for those schools that do not have a full-time school nurse.

(4) Tutoring, supplemental services, and support services to include services for unengaged students, interventionists, and after school learning extensions that prioritize face-to-face instruction focused on students with identified reading or math difficulties and students with IEPs to address deficits resulting from COVID-19.

(5) Technology purchases of devices and connectivity equipment to support online learning resulting from COVID-19.

It is the intent of the General Assembly that reimbursements for item (1) - school safety measures - be the department's first priority for reimbursement.

SECTION 5. State agencies may apply for reimbursement in a similar manner as set forth in SECTION 6 of Act 142 of 2020.

SECTION 6. (A) There is established through the SC CARES Grant Management Program a nonprofit entity reimbursement grant program with the funds authorized in Section 3(E). The program shall award grants to qualifying nonprofit entities to reimburse the qualifying nonprofit entity for some, or all, of the costs associated with qualifying expenditures incurred, or expected to be incurred, by the qualifying nonprofit entity between March 1, 2020 and December 1, 2020. A qualifying nonprofit entity may receive a grant in an amount between two thousand five hundred dollars and fifty thousand dollars. Nonprofit entities must apply for grants no later than November 1, 2020.

WEDNESDAY, SEPTEMBER 23, 2020

(B)(1) Applications for grants shall be made to the panel established in item (2). An applicant shall provide the panel with information concerning the applicant's expenditures for which the applicant seeks a grant. Grants shall be awarded for qualifying expenditures in amounts determined by the panel. First, priority must be given to applicants that did not receive other assistance, such as a Paycheck Protection Program loan or other CARES funds. Then, priority shall be given to applications for expenditures related to (1) food assistance, including prepared meals; (2) rent or mortgage assistance; (3) utilities assistance; (4) mental health counseling; (5) health care services, including access to health care supplies, mental health, and behavioral health; (6) criminal domestic violence and children's advocacy services; and (7) arts and cultural items or activities.

(2)(a) Applications for grants shall be evaluated and awarded by a panel consisting of:

(i) the Director of the Department of Social Services, or his designee;

(ii) the Director of the Department of Mental Health, or his designee;

(iii) the Director of the Department of Consumer Affairs, or his designee;

(iv) the Director of the Department of Health and Human Services, or his designee;

(v) the Director of the Department of Alcohol and Other Drug Abuse Services, or his designee;

(vi) the Secretary of State, or his designee;

(vii) the Director of the South Carolina Arts Commission, or his designee;

(viii) the Director of the Department of Archives and History, or his designee; and

(ix) the Executive Director of the South Carolina State Housing Finance and Development Authority, or his designee.

(b) The panel shall meet as often as is necessary to fulfill its obligations as provided herein. The panel may utilize remote technology for meetings or other activities as necessary. The Department of Administration shall assist with the coordination of the panel's meetings.

(c) The panel shall develop an application and establish criteria for the evaluation of applications that is consistent with the requirements contained herein, including the priorities identified in item (B)(1). During its evaluation of applications, the panel shall give consideration

WEDNESDAY, SEPTEMBER 23, 2020

to the geographic distribution of services provided by the qualifying expenditures so that grants are awarded on a statewide basis.

(d) The Department of Administration shall provide staff support for the panel. The Department of Administration, in conjunction with SC CARES Grant Management Program, shall confirm that all reimbursement requests in the grant applications comply with federal CARES Act requirements.

(C) For the purposes of the nonprofit entity reimbursement grant program established herein:

(1) “qualifying nonprofit entity” means a 501(c)(3) that has been operating in South Carolina for at least six months prior to the Governor’s initial COVID-19 state of emergency declaration on March 13, 2020; and

(2) “qualifying expenditure” means an expenditure of funds related to services provided to people in response to the COVID-19 public health emergency. The definition of qualifying expenditure does not include any expenditure that qualified the nonprofit entity to receive federal emergency relief funds, including the Paycheck Protection Program, if the nonprofit entity has, or will, receive the federal emergency relief funds.

SECTION 7. (A) There is established through the SC CARES Grant Management Program a minority and small business enterprise reimbursement grant program with the funds authorized in Section 3(F). The program shall award grants to qualifying minority and small business enterprises to reimburse the enterprise for some, or all, of the costs associated with qualifying expenditures incurred, or expected to be incurred, by the qualifying minority or small business enterprise between March 1, 2020, and December 1, 2020. A qualifying minority or small business enterprise may receive a grant in an amount between two thousand five hundred dollars and twenty-five thousand dollars. Minority and small business enterprises must apply for grants no later than November 1, 2020.

(B) Applications for grants shall be made to the SC CARES Grant Management Program. An applicant shall provide the SC CARES Grant Management Program with information concerning the applicant’s expenditures for which the applicant seeks a grant. The grant manager shall evaluate grant applications to confirm that all reimbursement requests in the grant applications comply with federal CARES Act requirements.

(C)(1) Priority must be given to minority businesses, to applicants that did not receive other assistance, such as a Paycheck Protection

WEDNESDAY, SEPTEMBER 23, 2020

Program loan or other CARES funds, to businesses with fifteen or fewer employees, and to businesses that demonstrate the greatest financial need.

(2)(a) Priorities must be assigned to minority and small business enterprises by a panel consisting of:

- (i) the Director of the Commission for Minority Affairs, or his designee;
- (ii) the Secretary of Commerce, or his designee; and
- (iii) the Director of the Department of Revenue, or his designee.

(b) In addition to assigning priorities, the panel also must make an initial determination of which applicants meet the definitions set forth in subsection (D). Once the panel has made such determinations and has assigned priorities, the panel shall award grants in the amounts determined by the SC CARES Act Grant Management Program and in accordance with this SECTION.

(D) For the purposes of the minority and small business enterprise reimbursement grant program:

(1) “Economically disadvantaged individuals” means those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged.

(2) “Minority business enterprise” means a business with twenty-five or fewer employees that has been operating in South Carolina for at least six months prior to the Governor’s initial COVID-19 state of emergency declaration on March 13, 2020, and is owned by an individual who is a United States citizen and who is economically and socially disadvantaged.

(3) “Qualifying expenditure” means costs associated with business interruptions resulting from the COVID-19 public health emergency and any expenses deemed necessary and incurred as a result of the COVID-19 health emergency. The definition of qualifying expenditure does not include any expenditure that qualified the minority or small business enterprise to receive federal emergency relief funds, including the Paycheck Protection Program, if the minority or small business enterprise has, or will, receive the federal emergency relief funds.

(4) “Small business enterprise” means a business with twenty-five or fewer employees that has been operating in South Carolina for at least

WEDNESDAY, SEPTEMBER 23, 2020

six months prior to the Governor's initial COVID-19 state of emergency declaration on March 13, 2020.

(5) "Socially disadvantaged individuals" means those individuals who are members of the following groups: African Americans; Hispanic Americans; Native Americans (including individuals recognized as American Indians, Eskimos, Aleuts, and Native Hawaiians), and Asian Pacific Americans.

SECTION 8. The funds authorized for the Department of Health and Environmental Control pursuant to Section 3(A) must be utilized in the manner prescribed for the Statewide Testing Plan established in Section 7 of Act 142 of 2020.

SECTION 9. The funds authorized for the Medical University of South Carolina pursuant to Section 3(B) for statewide testing shall be utilized to continue the Medical University's COVID-19 at-risk testing initiative.

SECTION 10. (A)(1) State agencies, public institutions of higher learning, counties, municipalities, and special purpose districts are authorized to apply for reimbursement of expenditures necessary for the response to the COVID-19 public health emergency incurred, or expected to be incurred, between July 1, 2020, and December 30, 2020.

(2) Independent colleges and universities that are member institutions of the South Carolina Independent Colleges and Universities nonprofit corporation are authorized to apply for reimbursement of expenditures that were necessary for the response to the COVID-19 public health emergency incurred, or expected to be incurred, between March 1, 2020, and December 30, 2020. Bob Jones University and Clinton College are also authorized to apply for reimbursement of expenditures that were necessary for the response to the COVID-19 public health emergency that were incurred, or expected to be incurred, between March 1, 2020, and December 30, 2020.

(3) All applications for reimbursement shall be submitted to the SC CARES Grant Management Program on or before November 15, 2020.

(B) If the Executive Budget Office determines that the amount of eligible expenditures through December 30, 2020, exceeds the authorizations provided for in Act 142 of 2020 and Section 3(G) of this act, then the Executive Budget Office is authorized to prioritize the remaining reimbursements for expenses incurred as a result of COVID-19 in the following order:

(1) institutions of higher learning, including member institutions of the South Carolina Independent Colleges and Universities nonprofit

WEDNESDAY, SEPTEMBER 23, 2020

corporation and Bob Jones University and Clinton College, for expenses related to providing virtual and in-person educational services for students enrolled for the fall 2020 semester;

- (2) state agencies;
- (3) county governments;
- (4) municipal governments; and
- (5) special purpose districts.

SECTION 11. Excess funds authorized in Section 9 of Act 142 of 2020 for the Hospital Relief Fund shall be used for the reimbursement of eligible hospital expenditures incurred on or before September 30, 2020. No hospital shall be reimbursed for expenses that were already reimbursed from the fund or which were eligible for reimbursement from any other fund source. The Executive Budget Office shall distribute the balance of the Hospital Relief Fund to hospitals based upon their respective shares of their unreimbursed and validated expenditures incurred due to the COVID-19 public health emergency.

SECTION 12. To ensure that the State of South Carolina maximizes the use of federal funds authorized through the Coronavirus Relief Fund, the Director of the Executive Budget Office is authorized to reallocate any unused authorization in a particular enumerated item in this act and in Act 142 of 2020 to any enumerated item for which approved reimbursements exceed the authorization. This reallocation may not be implemented prior to December 1, 2020. Should this condition be met in multiple authorizations, the director shall reallocate any unused authorization according to the following prioritization:

- (1) Department of Employment and Workforce - Unemployment Trust Fund;
- (2) Department of Health and Environmental Control - Statewide Testing and Monitoring;
- (3) Medical University of South Carolina - Statewide Testing;
- (4) State Department of Education - Uses Authorized in SECTION 4 of this Act;
- (5) Department of Administration - State, Local Government, Independent Colleges and University Expenditures;
- (6) Department of Administration - Minority and Small Business Relief Program;
- (7) Department of Administration - Nonprofit Relief Program;
- (8) Department of Administration - Executive Budget Office Hospital Relief Program;
- (9) Adjutant General - Emergency Management Division Personal Protective Equipment Stockpile and Supply Chain; and

WEDNESDAY, SEPTEMBER 23, 2020

(10) Office of Regulatory Staff - Broadband Mapping and Planning, Infrastructure, and Mobile Hotspots.

SECTION 13. In order to address the extraordinary challenges facing Patriots Point Development Authority due to COVID-19, the authority shall utilize the \$1,000,000 authorized by proviso 52.2 and the \$1,700,000 appropriated by proviso 118.16, Item (45), both of Act 91 of 2019, for agency operating expenses. The Department of Administration shall assist Patriots Point in the development of a long-term financial strategy and operational plan. The provisions of this SECTION shall remain in effect until replaced by a subsequent act of the General Assembly.

SECTION 14. The funds allocated to the Department of Employment and Workforce for the unemployment trust fund from the CARES Act Coronavirus Relief Fund shall be utilized to offset the unexpected losses to the unemployment trust fund between March 1, 2020, and December 30, 2020, resulting from the pandemic and to set the total effective rates for 2021 rate classes at the same total effective rates as 2020 rate classes.

PART III

Miscellaneous Provisions

SECTION 15. Due to the strains caused by COVID-19, for Fiscal Year 2020-21, the earnings limitation imposed pursuant to Section 9-1-1790 and Section 9-11-90 of the 1976 Code does not apply to retired members of the South Carolina Retirement System or the Police Officers Retirement System who return to covered employment to participate in the state's public health preparedness and response to the COVID-19 virus. To the extent allowed by the CARES Act, the Public Employee Benefit Authority may apply to have its implementation costs to be reimbursed.

SECTION 16. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 17. The provisions of this act take effect upon approval of the Governor. /

WEDNESDAY, SEPTEMBER 23, 2020

Amend title to conform.

/s/Sen. Thomas C. Alexander	/s/Rep. George Murrell Smith Jr.
/s/Sen. Darrell Jackson Sr.	/s/Rep. William "Bill" Clyburn
/s/Sen. Tom Davis	/s/Rep. Kirkman Finlay III
On Part of the Senate.	On Part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

H. 3210 -- Reps. Loftis, Clyburn, Collins, Burns, Clary, W. Cox, Morgan, Hyde, Stringer, Elliott, B. Cox, Gagnon, Caskey, Bannister, Willis, Sottile, Stavrinakis, Daning, Blackwell, Taylor, Forrester, Fry, West, Finlay, Simrill, V.S. Moss, Bryant, Bales, D.C. Moss, Erickson, Herbkersman, Whitmire and Weeks: A BILL TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

Very respectfully,

Speaker of the House

Received as information.

**H. 3210--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

**H. 3485--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

H. 3485 -- Reps. Jefferson, R. Williams, Cobb-Hunter and Weeks: A BILL TO AMEND SECTION 12-6-3535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN INCOME TAX CREDIT FOR MAKING QUALIFIED REHABILITATION

WEDNESDAY, SEPTEMBER 23, 2020

EXPENDITURES FOR A CERTIFIED HISTORIC STRUCTURE, SO AS TO REMOVE A PROVISION ALLOWING THE DEPARTMENT OF ARCHIVES AND HISTORY TO ESTABLISH FEES, TO PROVIDE THAT A TAXPAYER CLAIMING THE CREDIT MUST PAY A FEE TO THE DEPARTMENT OF ARCHIVES AND HISTORY FOR THE STATE HISTORIC PRESERVATION GRANT FUND, AND TO PROVIDE THAT THE DEPARTMENT SHALL DEVELOP AN APPLICATION PROCESS; AND TO AMEND SECTION 12-6-5060, RELATING TO VOLUNTARY CONTRIBUTIONS MADE BY AN INDIVIDUAL BY MEANS OF THE INCOME TAX RETURN CHECK OFF, SO AS TO ADD THE DEPARTMENT OF ARCHIVES AND HISTORY.

On motion of Senator CROMER, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator CROMER spoke on the report.

The question then was adoption of the Report of Committee of Conference.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Alexander	Allen	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Jackson	Johnson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Sheheen	Talley	Turner
Williams	Young	

WEDNESDAY, SEPTEMBER 23, 2020

Total--41

NAYS

Total--0

The Committee of Conference Committee was adopted as follows:

H. 3485--Conference Report

The General Assembly, Columbia, S.C., September 22, 2020

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3485 -- Reps. Jefferson, R. Williams, Cobb-Hunter and Weeks: A BILL TO AMEND SECTION 12-6-3535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN INCOME TAX CREDIT FOR MAKING QUALIFIED REHABILITATION EXPENDITURES FOR A CERTIFIED HISTORIC STRUCTURE, SO AS TO REMOVE A PROVISION ALLOWING THE DEPARTMENT OF ARCHIVES AND HISTORY TO ESTABLISH FEES, TO PROVIDE THAT A TAXPAYER CLAIMING THE CREDIT MUST PAY A FEE TO THE DEPARTMENT OF ARCHIVES AND HISTORY FOR THE STATE HISTORIC PRESERVATION GRANT FUND, AND TO PROVIDE THAT THE DEPARTMENT SHALL DEVELOP AN APPLICATION PROCESS; AND TO AMEND SECTION 12-6-5060, RELATING TO VOLUNTARY CONTRIBUTIONS MADE BY AN INDIVIDUAL BY MEANS OF THE INCOME TAX RETURN CHECK OFF, SO AS TO ADD THE DEPARTMENT OF ARCHIVES AND HISTORY.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ TO AMEND SECTION 12-6-3535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN INCOME TAX CREDIT FOR MAKING QUALIFIED REHABILITATION EXPENDITURES FOR A CERTIFIED HISTORIC STRUCTURE, SO AS TO REMOVE A PROVISION ALLOWING THE DEPARTMENT OF ARCHIVES AND HISTORY TO ESTABLISH FEES, TO PROVIDE THAT A TAXPAYER CLAIMING THE CREDIT MUST PAY A FEE TO THE DEPARTMENT OF ARCHIVES AND HISTORY FOR THE STATE

WEDNESDAY, SEPTEMBER 23, 2020

HISTORIC PRESERVATION GRANT FUND, AND TO PROVIDE THAT THE DEPARTMENT SHALL DEVELOP AN APPLICATION PROCESS; AND TO AMEND SECTION 12-6-5060, RELATING TO VOLUNTARY CONTRIBUTIONS MADE BY AN INDIVIDUAL BY MEANS OF THE INCOME TAX RETURN CHECK OFF, SO AS TO ADD THE DEPARTMENT OF ARCHIVES AND HISTORY.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. A. Section 12-6-3535(E) of the 1976 Code is amended to read:

“(E) The South Carolina Department of Archives and History shall develop an application and may promulgate regulations, ~~including the establishment of fees,~~ needed to administer the certification process. The Department of Revenue may promulgate regulations, including the establishment of fees, to administer the tax credit.”

B. Section 12-6-3535 of the 1976 Code is amended by adding appropriately lettered subsections to read:

“() (1) A taxpayer claiming a credit pursuant to this section must pay a preliminary fee and a final fee to the Department of Archives and History for the State Historic Preservation Grant Fund based on the estimated qualified rehabilitation expenses or the actual rehabilitation expenses of the project, respectively, as set forth in items (2) and (3).

(2) The preliminary fee must be paid before review of an Historic Preservation Certification Application, Part 2, or a Certified Rehabilitation Application, S2. The fee schedule is as follows:

Projects less than \$500,000

0% of estimated expenses

Projects at least \$500,000 but less than 2,000,000

.1% of estimated expenses

Projects at least \$2,000,000 but less than \$4,000,000

.25% of estimated expenses

Projects \$4,000,000 or greater

.5% of estimated expenses.

(3) The final fee must be paid before review of an Historic Preservation Certification Application, Part 3, or a Certified Rehabilitation Application, S3, less any amount paid as a preliminary fee. The fee schedule is as follows:

Projects less than \$500,000

0% of actual expenses

Projects at least \$500,000 but less than \$2,000,000

.25% of actual expenses

WEDNESDAY, SEPTEMBER 23, 2020

Projects at least \$2,000,000 but less than \$4,000,000

.5% of actual expenses

Projects \$4,000,000 or greater

1.0% of actual expenses.

() The Department of Archives and History shall develop an application process for distribution of funds from the State Historic Preservation Grant Fund, to include eligibility criteria and grant requirements.”

SECTION 2. A. Section 12-6-5060(A) of the 1976 Code is amended to read:

“(A) Each taxpayer required to file a state individual income tax return may contribute to the War Between the States Heritage Trust Fund established pursuant to Section 51-18-115, the Nongame Wildlife and Natural Areas Program Fund established pursuant to Section 50-1-280, the Children’s Trust Fund of South Carolina established pursuant to Section 63-11-910, the Eldercare Trust Fund of South Carolina established pursuant to Section 43-21-160, the First Steps to School Readiness Fund established pursuant to Section 63-11-1750, the South Carolina Military Family Relief Fund established pursuant to Article 3, Chapter 11, Title 25, the Donate Life South Carolina established pursuant to Section 44-43-1310, the Veterans’ Trust Fund of South Carolina established pursuant to Chapter 21, Title 25, the South Carolina Litter Control Enforcement Program (SCLCEP) and used by the Governor’s Task Force on Litter only for the SCLCEP Program, the South Carolina Law Enforcement Assistance Program (SCLEAP) and used as provided in Section 23-3-65, the South Carolina Department of Parks, Recreation and Tourism for use in the South Carolina State Park Service in the manner the General Assembly provides, the South Carolina Forestry Commission for use in the state forest system, the South Carolina Department of Natural Resources for use in its programs and operations, K-12 public education for use in the manner the General Assembly provides by law, South Carolina Conservation Bank Trust Fund established pursuant to Section 48-59-60, the Financial Literacy Trust Fund established pursuant to Section 59-29-510, ~~or~~ the South Carolina Association of Habitat for Humanity Affiliates, or the Department of Archives and History and only used by the agency to purchase or preserve collections with significant historical value to the State by designating the contribution on the return. The contribution may be made by reducing the income tax refund or by remitting additional payment by the amount designated.”

WEDNESDAY, SEPTEMBER 23, 2020

B. Contributions made to the Department of Archives and History as provided in this act may be designated on an income tax return for tax years beginning after 2019.

SECTION 3. Except as otherwise provided, this act takes effect upon approval by the Governor and applies to income tax years beginning after 2019. /

Amend title to conform.

/s/Sen. Ronnie W. Cromer	/s/Rep. Wm. Weston J. Newton
/s/Sen. Floyd Nicholson	/s/Rep. Robert Quintin Williams
/s/Sen. Chauncey K. "Greg" Gregory	/s/Rep. Joseph Herman
Jefferson, Jr.	

On Part of the Senate.

On Part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

H. 3485 -- Reps. Jefferson, R. Williams, Cobb-Hunter and Weeks: A BILL TO AMEND SECTION 12-6-3535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN INCOME TAX CREDIT FOR MAKING QUALIFIED REHABILITATION EXPENDITURES FOR A CERTIFIED HISTORIC STRUCTURE, SO AS TO REMOVE A PROVISION ALLOWING THE DEPARTMENT OF ARCHIVES AND HISTORY TO ESTABLISH FEES, TO PROVIDE THAT A TAXPAYER CLAIMING THE CREDIT MUST PAY A FEE TO THE DEPARTMENT OF ARCHIVES AND HISTORY FOR THE STATE HISTORIC PRESERVATION GRANT FUND, AND TO PROVIDE THAT THE DEPARTMENT SHALL DEVELOP AN APPLICATION PROCESS; AND TO AMEND SECTION 12-6-5060, RELATING TO VOLUNTARY CONTRIBUTIONS MADE BY AN INDIVIDUAL BY MEANS OF THE INCOME TAX RETURN CHECK OFF, SO AS TO ADD THE DEPARTMENT OF ARCHIVES AND HISTORY.

Very respectfully,

Speaker of the House

Received as information.

WEDNESDAY, SEPTEMBER 23, 2020

**H. 3485--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet tomorrow under the provisions of Rule 1B.

Call of the Senate

Senator PEELER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Allen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Loftis
Malloy	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Senn
Setzler	Sheheen	Turner
Williams	Young	

A quorum being present, the Senate resumed.

EXECUTIVE SESSION

On motion of Senator MASSEY, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

STATEWIDE APPOINTMENTS

Confirmations

Having received a favorable report from the Education Committee, the following appointments were confirmed in open session:

WEDNESDAY, SEPTEMBER 23, 2020

Senator JOHNSON spoke on the confirmations.

Remarks by Senator JOHNSON

Thank you. We are making appointments and these appointments lack diversity. I would just preface my remarks that I'm not talking about any sort of quota system or anything like that, but it's a known fact that African Americans make up about 28% of the population in South Carolina, and we have African American and other minorities in this State who are very talented, educated and they have the experience and they are willing and able to serve in some of these positions. I would use myself as an example. As Chairman of much the Clarendon County Legislative Delegation, when I make appointments, I consider diversity and different parts of the county to make sure we have different representation. And when I appoint magistrates, I do the same. I think it is a disgrace. I have not been here as long as others -- I have been here eight years. The vast majority, the very vast majority of the appointments that we are asked to give advice and consent for and to confirm -- there's no emphasis placed on diversity sensitivity. And so I've sat here and I've voted for the people who come before us to be confirmed because I do believe that the Governor should have people serve him that he desires, but I wish that he desired to have people from diverse backgrounds. I just rise again to express my concerns. It was brought to my attention that yes, I have made these concerns in the past, but I have never done it in open forum on the record so I just want to be on the record to say that I think as a Governor and as a Senate that gives advice and consent that we really need to be aware of the fact that we need to at least put some emphasis on diversity. And as I said before, we do have people who are very talented from all walks of life that need and should have an opportunity to serve on some of these boards and some of these positions that we are confirming. I just want to go on the record and I hope that going forward we can do better. Some of the boards that are most coveted have no diversity and I think in 2020 that's just a shame. Thank you.

On motion of Senator JACKSON, with unanimous consent, the remarks of Senator JOHNSON, were ordered printed in the Journal.

WEDNESDAY, SEPTEMBER 23, 2020

Initial Appointment, South Carolina Public Charter School District Board of Trustees, with the term to commence August 1, 2019, and to expire August 1, 2022

At-Large - Gubernatorial:

Randall S. Page, 409 Library Drive, Greenville, SC 29609 *VICE*
Linzie R. Staley

On motion of Senator HEMBREE, the question was confirmation of Randall S. Page.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Leatherman
Loftis	Malloy	Massey
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Senn	Setzler	Sheheen
Turner	Williams	Young

Total--36

NAYS

Total--0

The appointment of Randall S. Page was confirmed.

Initial Appointment, South Carolina Commission on Higher Education, with the term to commence July 1, 2020, and to expire July 1, 2022

Member of a governing body of a public institution of higher learning:

Hubert F. Mobley, 505 Briarwood Road, Lancaster, SC 29720-1801
VICE James A. Battle, Jr.

WEDNESDAY, SEPTEMBER 23, 2020

On motion of Senator HEMBREE, the question was confirmation of Hubert F. Mobley.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Grooms
Harpoottlian	Hembree	Hutto
Jackson	Johnson	Leatherman
Loftis	Malloy	Massey
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Senn	Setzler	Sheheen
Turner	Williams	Young

Total--36

NAYS

Total--0

The appointment of Hubert F. Mobley was confirmed.

Having received a favorable report from the Fish, Game and Forestry Committee, the following appointment was confirmed in open session:

Initial Appointment, Department of Natural Resources Board, with the term to commence July 1, 2018, and to expire July 1, 2022

7th Congressional District:

Jerry Allen Lee, 2611 Hanna Lake Road, Johnsonville, SC 29555-5241 *VICE* Keith C. Hinson

On motion of Senator CAMPSSEN, the question was confirmation of Jerry Allen Lee.

WEDNESDAY, SEPTEMBER 23, 2020

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Leatherman
Loftis	Malloy	Massey
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Senn	Setzler	Sheheen
Turner	Williams	Young

Total--36

NAYS

Total--0

The appointment of Jerry Allen Lee was confirmed.

Having received a favorable report from the Labor, Commerce and Industry Committee, the following appointment was confirmed in open session:

Initial Appointment, Charleston Naval Complex Redevelopment Authority, with the term to commence September 23, 2020, and to expire September 23, 2024

At-Large:

William L. Schachte, Jr., 172 Broad Street, Charleston, SC 29401-2453

On motion of Senator ALEXANDER, the question was confirmation of William L. Schachte, Jr.

WEDNESDAY, SEPTEMBER 23, 2020

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 35; Nays 0

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Harpootlian	Hembree	Hutto
Jackson	Johnson	Malloy
Massey	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Sheheen	Turner
Williams	Young	

Total--35

NAYS

Total--0

The appointment of William L. Schachte, Jr. was confirmed.

Having received a favorable report from the Medical Affairs Committee, the following appointments were confirmed in open session:

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2020, and to expire June 30, 2026

4th Congressional District:

Michael Bedenbaugh, 10 Wilton Street, Greenville, SC 29601-1520
VICE Eric J. Strauss

On motion of Senator VERDIN, the question was confirmation of Michael Bedenbaugh.

WEDNESDAY, SEPTEMBER 23, 2020

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 33; Nays 0; Abstain 2

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin
Davis	Fanning	Gambrell
Goldfinch	Gregory	Harpootlian
Hembree	Jackson	Johnson
Malloy	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Sheheen
Turner	Williams	Young

Total--33

NAYS

Total--0

ABSTAIN

Cromer	Hutto
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Total--2

The appointment of Michael Bedenbaugh was confirmed.

Initial Appointment, South Carolina State Board of Nursing, with the term to commence December 31, 2019, and to expire December 31, 2023

1st Congressional District:

Kelli Garber, 2202 Hamlin Sound Circle, Mount Pleasant, SC 29466-9407 *VICE* Jackie Baer

On motion of Senator VERDIN, the question was confirmation of Kelli Garber.

WEDNESDAY, SEPTEMBER 23, 2020

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 34; Nays 0; Abstain 1

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Harpootlian	Hembree	Jackson
Johnson	Malloy	Massey
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Sheheen	Turner	Williams
Young		

Total--34

NAYS

Total--0

ABSTAIN

Hutto

Total--1

The appointment of Kelli Garber was confirmed.

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2019, and to expire June 30, 2025

7th Congressional District:

Archie L. McKnight, 2823 Liberty Drive, Florence, SC 29501-5323
VICE Spencer A. Morris

On motion of Senator VERDIN, the question was confirmation of Archie L. McKnight.

WEDNESDAY, SEPTEMBER 23, 2020

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 34; Nays 0; Abstain 2

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin
Davis	Fanning	Gambrell
Goldfinch	Grooms	Harpootlian
Hembree	Jackson	Johnson
Leatherman	Loftis	Malloy
Massey	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Senn	Setzler
Sheheen	Turner	Williams
Young		

Total--34

NAYS

Total--0

ABSTAIN

Cromer	Hutto
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Total--2

The appointment of Archie L. McKnight was confirmed.

Having received a favorable report from the Transportation Committee, the following appointment was confirmed in open session:

Initial Appointment, South Carolina Department of Highways and Public Transportation, with the term to commence May 10, 2018, and to expire February 15, 2022

At-Large :

Nancy Whitworth, 15 Harbor Oaks Drive, Greenville, SC 29609-4949
VICE Kristen E. Blanchard (resigned)

On motion of Senator GROOMS, the question was confirmation of Nancy Whitworth.

WEDNESDAY, SEPTEMBER 23, 2020

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Leatherman
Loftis	Malloy	Massey
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Senn	Setzler	Sheheen
Turner	Williams	Young

Total--36

NAYS

Total--0

The appointment of Nancy Whitworth was confirmed.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, Calhoun County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Cassandra Keller, 165 Blair Road, St. Matthews, SC 29135-8539

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Peter Brandt Shelbourne, 116 South Oak Street, Summerville, SC 29483

Initial Appointment, Dorchester County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Janice Simmons, 262 Mallard Road, Summerville, SC 29483-7937

WEDNESDAY, SEPTEMBER 23, 2020

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Jacquelyn G. Jenkins, 1819 Community Dr., Reevesville, SC 29471

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Tera S. Richardson, 214 Eagle Ridge Road, Summerville, SC 29485-8480

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Victor G. Stephens, 205 Bryant Street, St. George, SC 29477-2364

Initial Appointment, Orangeburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Valerie Lawrence, 108 Ty Drive, Eutawville, SC 29048-8973 *VICE* Jacob Gillens, Sr.

Initial Appointment, Dorchester County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Michael Murphy, 129 Royal Troon Court, Summerville, SC 29483-5137

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

ADJOURNMENT

At 7:41 P.M., on motion of Senator MASSEY, the Senate adjourned pursuant to the provisions of Rule 1B.

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WEDNESDAY, SEPTEMBER 23, 2020

SENATE JOURNAL INDEX

S. 207.....	104	H. 3257	144
S. 217.....	108	H. 3351	105
S. 259 109, 110, 111, 112, 114, 127, 128		H. 3359	162
S. 426.....	129, 130	H. 3485	176, 177, 180
S. 545.....	105	H. 3596	134, 135, 136, 137
S. 753.....	131	H. 3755	140, 141
S. 993.....	103	H. 3780	4
S. 1071.....	132, 133	H. 4021	143
S. 1099.....	137, 138	Amendment No. 4262.....	25
S. 1233.....	142	H. 4262	24
S. 1239.....	57	H. 4327	106
S. 1281.....	142	H. 4431 145, 146, 147, 148, 149, 151, 160, 161	
S. 1282.....	143	H. 4831	106
S. 1283.....	55	H. 5149	107
S. 1284.....	55	H. 5564	55
		H. 5593	56
H. 3199	3	H. 5596	56
H. 3210	165, 166, 175		